

Marysville Borough Council Meeting Minutes
December 8, 2008
7:30 pm
200 Overcrest Road
Marysville, PA 17053

President John Edkin called the regular council meeting to order at 7:30pm. Pastor Kauffman of Wesley United Methodist Church offered the invocation. Borough Manager Harris completed roll call of council.

The attendance of the council members:

President:	John Edkin– present
Vice President:	Marcus Hite– present
Council Members:	Lance Barthel – present
	Roger Barrick – present
	Nan Hiddemen – excused
	Sherree Knight – present
	Ann Simonetti – present
Junior Council:	Amanda Harter - present
Mayor:	Deb Troutman – present
Borough Manager:	Brian Harris – present
Borough Solicitor:	Dan Altland – present
Borough Engineer:	Eng Brown – present
Secretary:	Connie Zitsch – excused
Treasurer:	John Tennant – present

By consent agenda the
Minutes of November 10, 2008 Council Meeting
Approval of Financial Statement
Approval to pay bills

Were approved on motion by Ann Simonetti, seconded by Lance Barthel and approved unanimously for the consent items.

Public Comment

Jean Raisner of 203 Kings Highway, representing the Concerned Citizens of Marysville, commented on the rights of the developer. As citizens and taxpayers of Marysville they believe that they have rights. Our government is established as a self government that means we appoint you to act on our behalf and our wishes; we do have a right when a developer comes in. This will change the size and scope of Marysville. The Concerned Citizens of Marysville have expressed their concerns regarding the ecology, infrastructure, sewer system and the runoff from the mountain. Jean provided a letter from the concerned citizens and also a petition opposing the development. Jean wants every council member to vote No!

Russell Ready, 198 Kings Highway, stated the council was elected by the people sitting here. Council should listen to the public for their general comments. I have not talked to anybody in this borough that wants the Rockville Estate subdivision.

Lori Mohr, 500 Myrtle Avenue, stated that residents will ultimately be paying the taxes to support the cost of the development. Lori stated the financial analysis prepared by Alpha Consulting Engineer was biased and that she can have an economics professor review the analysis. Lori stated that for every dollar received, the borough will pay out nearly \$2.00.

Dan Stephens, 900 Landsvale Street, commented that the solicitor should not be speaking on behalf of the council.

Carl Saylor, 213 Ridgeview Drive, stated that the concerned citizens have not had a chance to speak up and that he is perplexed as to why the borough council can't answer the questions that are being asked. Dan reiterated that public comment is not a time for bantering back and forth with council but it is a time for the residents to provide their input.

Jeanine Rhome, 304 Kings Highway, stated that the people of the community did not know the gravity of the project and that the borough should have made it known to the people and posted it everywhere.

Frank Skirpan, of 217 Ridgeview Drive asked if there is anything council can do to stop the development on the mountain. Frank also stated that no one is listening to the citizens concerns.

Kathy Flysik, Little Mountain Estates, stated that runoff is a major concern and that Kings Highway is already prone to flooding.

JUNIOR COUNCIL PERSON

Amanda Harter informed the council that at 7:00pm on December 16th the West Side Singers and the Chorus will be performing at Susquenita High School.

ENGINEER'S REPORT

Rockville Estates – John Murphy provided an overall presentation regarding the development. He presented and reviewed the waivers and conditions that resulted from the Planning Commission. Forrest Troutman explained what is required for the age 55 communities per the Fair Housing Act and also explained the seven year horizon for planned residential developments. Forrest stated that they will provide a phased subdivision plan since they anticipate build out will be 15-20 years. The list of

conditions was discussed and it was agreed that the developer will maintain the traffic signal for five years, inclusive of the mandatory 18 months following dedication to the borough. John Murphy stated that the construction entrance will be located at the west end of the Dollar General and that Ridgeview will not be used by the heavy construction vehicles. Brian Webster commented that the Fire Company will need to access the lots at the top of the development and also that the cart-way will need to be wide enough to accommodate the trucks. Dan Stephens Jr. commented that the borough does not need another development like Whitetail Crossing and that we should actually hold developers accountable to the ordinances or do not let them build. Forrest Troutman clarified that the open spaces with no detention basins will be deeded to the borough and that the spaces with basins and the swale will not be deeded to the borough and will be maintained by the home owners association.

A motion was made by Roger Barrick, seconded by Ann Simonetti and was approved with four yes votes, one nay vote and one abstention. The roll call vote was as follows: Lance Barthel – Abstained since his business would benefit from the development. Roger Barrick – Yes, Sherree Knight – No, Marcus Hite - Yes, Ann Simonetti - Yes John Edkin - Yes. The motion is below.

MOTION: I recommend the approval of the Rockville Estates Preliminary Subdivision Plan #2004.03, South State Road, drawing numbers 1 to 99 dated April 8, 2008 as revised September 9, 2008 including addendum 3A(parcel map), Tax parcel 150.170.00-007 subject to the following waivers and conditions:

1. Compliance with the Borough Engineer report of September 23, 2008, and reviewed and approval of the plan by the Borough Engineer.
2. Review and approval of the sanitary sewer design by the Borough Engineer.
3. Approval of the E&S plan and any NPDES Phase II application and plans by the Perry County Conservation District.
4. Approval of the sewage module by DEP.
5. Approval of the waivers recommended by the Planning Commission at it's regularly scheduled meeting held September 23rd, 2008 as stated in the motion reflected in the minutes and referring to the Waiver Requests document dated September 9th, 2008
6. Tree preservation note shall be added to the preliminary plan to read as follows, "Tree preservation is encouraged as a matter of policy in Rockville Estates. Developer to include tree preservation language in covenants and restrictions applicable to Rockville Estates.
7. The applicant is to draft language acceptable to the Borough Solicitor and applicant which will be contained in the recorded covenants and restrictions for Rockville Estates and will include the following concepts and subject matters:
 - a. Public Open Space
 - i. Where permitted, all tree cutting and brush removal is subject to the following and will be performed by developer or homeowners association or alternatively, if Borough accepts dedication of Public Open Space, then all tree cutting and brush removal thereafter will be the responsibility of the Borough.
 - ii. Trees will be preserved except under the following circumstances
 1. Tree cutting and brush removal will be permitted for installation of utilities.
 2. Tree cutting and or brush clearing will be permitted for possible placement of walking trails, but only if necessary for safety or trail design.

3. Tree cutting and brush clearing will be permitted for forest management as recommended by qualified forest management professional (e.g., diseased, dead, etc.)
4. Tree cutting will be permitted to protect safety and welfare of residents (e.g., diseased, dead, unstable, etc.)
- iii. No motorized vehicles shall be permitted.
- b. Private Open Space
 - i. Where permitted, all tree cutting and brush removal is subject to the following and will be performed at the direction of the developer or homeowners association only.
 1. Tree cutting and brush removal by private owner is prohibited.
 - ii. Trees will be preserved except under the following circumstances
 1. Tree cutting and brush removal will be permitted for installation of utilities.
 2. Tree cutting and brush clearing will be permitted for forest management as recommended by qualified forest management professional (e.g., diseased, dead, etc.)
 3. Tree cutting will be permitted to protect safety and welfare of residents (e.g., diseased, dead, unstable, etc.)
- c. Lot Numbers 244, 245, 251, 252, 261, 262, 270, 271, 290 & 291 (those at top of development toward top of mountain)
 - i. In addition to tree preservation policies regarding Public and Private Open Space, existing trees on the top ten lots shall have a collective average of seventy percent (70%) preserved as follows:
 1. Existing trees on each of the specifically enumerated lots shall be preserved as a percentage of the total lot area as follows and at no time shall drop below the following percentages:
 - a. Lot 244; Total Area 5.91 acres; percent preserved 58%
 - b. Lot 245; Total Area 12.34 acres; percent preserved 80%
 - c. Lot 251; Total Area 9.71 acres; percent preserved 74%
 - d. Lot 252; Total Area 8.15 acres; percent preserved 69%
 - e. Lot 261; Total Area 9.16 acres; percent preserved 73%
 - f. Lot 262; Total Area 5.61 acres; percent preserved 55%
 - g. Lot 270; Total Area 6.99 acres; percent preserved 64%
 - h. Lot 271; Total Area 5.33 acres; percent preserved 53%
 - i. Lot 290; Total Area 22.47 acres; percent preserved 88%
 - j. Lot 291; Total Area 11.43 acres; percent preserved 80%
 2. Initial developable area shall be designated at the time of application for the initial building permit. Developable areas within the allowable percent shall be designated in subsequent building permit applications.
 3.
 - a. Within the preserved space, trees will be preserved except under the following circumstances:
 - i. tree cutting and brush removal will be permitted for installation of utilities
 - ii. tree cutting and brush clearing will be permitted for forest management as recommended by qualified forest management professional (e.g., diseased, dead, etc.)
 - iii. tree cutting will be permitted to protect safety and welfare of residents (e.g., diseased, dead, unstable, etc.)
8. By language included in the covenants and restrictions, Developer/Applicant will obligate the homeowners association to own and maintain all stormwater detention facilities in Public open spaces.
9. Developer/Applicant shall consult with the Appalachian Trail Club to designate a route to Little Mountain through the Public Open Space and will further consult with the

- Appalachian Trail Club to continue such route from the boundary line of the subject property (the Rockville Estates property) through the adjoining Rye Township property, currently owned by Developer/Applicant, to reach Tower Road, in efforts to provide access to the Darlington Trail accessible by Tower Road. Access along such route shall be provided by an easement and the route between the end points shall be subject to change so as not to interfere with future development while at the same time providing continued access. Developer/Applicant is not required to construct a trail or otherwise improve the designated route.
10. There shall be a cul-de-sac shown on all drawing of the plan at the end of Reiff Drive.
 11. The Public Open Spaces not containing stormwater management facilities will be subdivided from the subject property (the Rockville Estates property) and will be dedicated to the Borough at the appropriate time."
 12. An Architectural Review Committee will be established as part of the covenants and restrictions which will regulate the overall exterior appearance of the improved lots and shall consider harmony of the home within the development and the appearance of the development within the view shed.
 13. The Developer agrees to work with the borough on restrictions on motorized vehicles in private, non-open land.
 14. Developer/Applicant must install the traffic signal at the intersection of Route 850 and Route 11/15 and any other off site traffic improvements and official traffic control devices required by Pa DOT and maintain the traffic signal for 5 years after dedication and acceptance, inclusive of the 18 month required maintenance bond period after dedication and acceptance.
 15. The Developer/Applicant must enter a Developer's Agreement with the Borough.

James Sabo stated that he thinks the development will bring positive change to borough and like the citizens, developers also have life, liberty and property rights.

Trout Run – Ron Brown stated that the bids documents are prepared and are being reviewed by Omar of Tri-County Regional Planning Commission. The bids can realistically go out in 4-6 weeks. The council decided that it would not be wise to bid the project together with the downtown project since Ron indicated that the mobilization / immobilization savings would not be great. The council directed Brian to wait until after the holiday season to coordinate the moving of the modular since there are no immediate threats.

Downtown Revitalization – Ron Brown clarified the proposal that he gave the borough for the engineering fee of \$29,000 and the inspection fee of \$20,000. Ron indicated that this is the not to exceed amount and that the engineering will take 2-3 months and that the DEP permits will take up to 4-5 months. Brian will sign the formal proposal that Ron provided. A vote was not necessary since the council voted to approve the project at the November Borough Council meeting.

A motion was made by Roger Barrick, seconded by Lance Barthel, and approved unanimously to accept the 2009 Pennoni fee schedule with the amended mileage rate.

OLD BUSINESS

Enclave in the Woods – Nothing new to date.

Pool Project – The council discussed the deduct letter that Talucci provided the borough. A motion was made by Ann Simonetti, seconded by Sherree Knight, and approved with one nay vote to move forward with executing the contract documents reflecting the deduct amount of \$6,700. United Water will do the demolition of the existing wading pool and the borough staff will do the seeding and sod in the spring. Brian will coordinate an onsite visit with John Talucci, Gerald Miller of United Water and Roger Barrick.

The Cumberland County Redevelopment Authority Agreement and Resolution 249 were tabled until the January council meeting pending a written agreement with the Moose. Brian informed the council that he spoke with Scott Lightner and that the Moose is still interested in the land swap if they know that the council is going to move forward with the project and that it will be done in a timely fashion. The council requested that Brian prepare a letter to the Moose to outline that the borough is still interested in doing the project. The council would ultimately like to see something in writing from the Moose stating that they are willing to cooperate and swap the land in front of the building. Brian will contact Scott Lightner to attend the January council meeting and clarify what the Moose expects from the borough. A motion was made by Ann Simonetti and seconded by Sherree Knight to approve the resolution and the agreement pending the cooperation of the Moose. The motion was then rescinded and tabled.

A motion was made by Sherree Knight, seconded by Lance Barthel and approved unanimously to advertise the 2009 meeting dates.

A motion was made by Ann Simonetti, seconded Roger Barrick and approved unanimously to adopt the 2009 budget with the recommended revision from the finance committee as provided by Brian to the general and sewer fund budgets. Marcus Hite commented that he would like to see all administrative and council training approved prior to registering.

NEW BUSINESS

A motion was made by Lance Barthel, seconded by Ann Simonetti and approved unanimously to adopt the 2009 tax ordinance.

A motion was made by Ann Simonetti, seconded by Sherree Knight and unanimously approved to advertise the Open Records ordinance.

A motion was made by Ann Simonetti, seconded by Sherree Knight and unanimously approved to adopt the Pennsylvania Historical and Municipal Commission records retention policy.

A motion was made by Lance Barthel, seconded by Roger Barrick and approved unanimously to advertise for the part time police position. The rate of pay will be \$16.31 per the contract and the number of hours will not exceed 20 hours per week. The

advertisement will depend on clarification from Dan Altland if we need to use the civil service commission for the hiring process or if the police committee can conduct the interviews.

COMMISSION REPORTS

Planning Commission

A copy of the report is on file. Two commissioners term expire December 31, 2008. Both members have agreed to continue serving another term. A request was made to list the openings on our website and to place the openings in the newspaper for transparency in council's operation.

Manager's Report

A copy of the report is on file.

Code Enforcement Officer's Report

Janet Hardman – a copy of the report is on file.

Police Department

A copy of the report is on file.

COMMITTEE REPORTS

Sewer & Sanitation

A copy of the report on file.

Streets

A copy of the report on file.

Parks & Rec

A copy of the report on file. Sherree Knight provided an update on the Breakfast with Santa.

On motion by Ann Simonetti, seconded by Lance Barthel, all committee reports were adopted. Approved unanimously.

Ann Simonetti reported that the Perry County Boroughs Association sponsored a countywide Right-To-Know forum that was held at the Perry County courthouse on Thursday night. Lucinda Glinn, Senior Attorney with the Open Records Office was the speaker.

A reconvene meeting was set for December 29th, 2008 at 6:00pm.

Respectfully Submitted,
Brian D. Harris, Recording Secretary

