

## MINUTES

## SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

FEBRUARY 13, 2019

PRESENT: Mayor Michael Sharkey, Fred Arbogast, Stanton Walters, Richard Buchanan, Stephen Mayoryk, Ted Nadobny, Diane Kraatz, Matthew Sharkey, and Mateo Vega

## OTHERS

PRESENT: Brian L. Sweitzer, Supt. of Public Works; Jeffrey L. Rehmeyer II, Esq.; Nick Caruccio, President Shrewsbury Volunteer Fire Company; John-Paul Whitmore; Nate Kirschman; Stephen and Sharon Weyant; Ken Thomas

The regular meeting of the Borough Council convened at 7:03 p.m. in the Borough municipal building, 35 West Railroad Avenue, with President Buchanan presiding.

**CITIZEN'S COMMENTS**

John-Paul Whitmore, 8 Spring Creek Drive, stated he is resigning as the Alternate on the Southern Regional Police Commission and he thanked Council for the opportunity to serve.

Stephen and Sharon Weyant, 28 Whitcraft Lane, were present about residents in the area setting off consumer fireworks too close to occupied dwellings. Ordinance 2019-3 was advertised for adoption this evening that governs the times that fireworks can be set off (assuming the State law regulations are met). They can't be set off after 10:00 p.m. or before 7:00 a.m. The Borough cannot overrule the State law pertaining to the consumer fireworks. The Weyants were told that if they see/hear fireworks being set off to call the police and ask them to patrol the neighborhood in the hopes the officer would see who is setting off the fireworks. The police either need to see who is setting them off or they need a witness to verify which address is in violation.

Nate Kirschman, 1 Shetland Drive, asked Council to support H.B. 352 which supports the use of radar by local police.

S. Walters moved to send a letter to the two Representatives to be signed by Mayor Sharkey and President Buchanan supporting this Bill.

D. Kraatz seconded. The motion carried with all voting in favor.

**APPROVAL OF MINUTES**

The minutes of the January 9 meeting were unanimously approved.

### **APPROVAL OF EXPENDITURES AND REPORT OF ACCOUNTS**

F. Arbogast moved to approve the bill list for January: general account numbers 2465 thru 2530; water account: check numbers 1540 thru 1557; sewer account: check numbers 1357 thru 1362; highway aid: check number 944.

T. Nadobny seconded. The motion carried with all voting in favor.

### **APPROVAL OF PAYROLL REGISTER**

F. Arbogast moved to approve the January 14 and 28 payroll registers.

S. Walters seconded. The motion carried with all voting in favor.

### **SUBDIVISION AND LAND DEVELOPMENT BUSINESS**

#### **Eitzert Farms Lot 40/40A Subdivision**

The developer asked for an extension of time for plan review until May 9, 2019.

D. Kraatz moved to grant the extension for plan review until May 9, 2019.

S. Walters seconded. The motion carried with all voting in favor.

### **Codes Enforcement**

There were four permits issued in December and six permits issued in January.

### **Southern Regional Police Department** – Mayor Sharkey

Highlights from the February 6 Commission meeting include donations checks being presented by the New Freedom Lions Club and Keller-Brown Insurance for the proposed K9 program. District Justice Sweeney swore in the new police officer, Tyler Wright, at the January meeting. There was discussion regarding a turnback of excess 2018 funds to the municipalities. There was discussion about creating a Community Service Officer to help with the detective work load. The Intergovernmental Agreement Committee has started meeting. The collective bargaining with the officers is completed. Next month, the Personnel Committee will perform the Chief's evaluation. The question was raised whether there should be discussion about merging with South Western Police. One, and perhaps a second member of the South Western Police, may be withdrawing so now may not be the time to initiate this discussion.

### **Water & Sewer** – T. Nadobny/Supt. Sweitzer

Sewer Study

T. Nadobny stated that the Municipal Authority received and accepted the report at its January 23 meeting.

Pennvest Loan

An estimate was received for assistance with the application and process with a high estimate being \$8,500.00. The middle estimate is between \$4,500.00 and \$6,500.00. Another engineering firm has been contacted to obtain another estimate. There was a discussion with the first engineering firm to offer assistance at a price of \$5,500.00 and if the cost was going to exceed that, notice would be given prior to the Borough reaching the last ten percent of that amount.

F. Arbogast moved that the Borough contract with the best offer given with an amount not to exceed \$5,500.00 with the Secretary completing as much of the application as possible. S. Walters seconded. The motion carried with all voting in favor.

2019 Water Replacement Project

Supt. Sweitzer met with Eng. Lipinski on January 21 to plan the water line replacement for Woodland Drive and Essex Circle Drive. The work will begin this spring and prior to the paving in the fall. Estimated cost is \$400,000.00.

Essex Circle Drive Sewer Project

The sewer project was completed in the spring of 2017. The lines were televised for the second time since completion. The sewer main is in good condition but the lateral at 6 Essex Circle Drive is leaking groundwater into the lateral connection. The lateral at 8 Essex Circle Drive has an obstruction showing at a connection. The road has settled in areas where the sewer was replaced and especially at these two addresses.

**Public Roads & Lighting** – M. Sharkey/Supt. SweitzerTraffic Calming

The Committee met on February 4. Patrick Wright, the traffic engineer, will meet with the Committee on February 18 at 7:00 p.m. to discuss the preliminary traffic calming plan.

LTAP Classes

The Borough is hosting two LTAP classes in March: speed limits and speed management on March 13 from 8:00 a.m. to noon; the second class is road safety audit on March 20.

### Proposed Road Closings in Shrewsbury Township - Thompson Road and West Cloverdale Avenue

A property owner asked the Township to close Thompson Road and a portion of West Cloverdale Avenue. A turn around is proposed just beyond the two homes in the Township, 140 and 142 West Cloverdale Avenue. The Public Works Department would plow the snow past these two homes into the turn around area. The Borough does not object to the closing of the roads but Supt. Sweitzer should have input as to the turn around area for plowing.

### Snow Plowing

Council thanked the Public Works Department for the excellent job clearing the roads this week.

### **Public Lands, Buildings and Finance** – F. Arbogast/Mayor Sharkey

#### 44 South Main Street

Mayor Sharkey showed the property to Alexander's Jewelry store owners and they are interested in either a long-term lease or purchasing the property. After discussion, it was suggested an item be placed in the next newsletter giving notice the Borough is interested in leasing the building. D. Kraatz stated she would like to see the building used to benefit the community.

F. Arbogast moved to initiate the process to lease out the building.

S. Walters seconded. The motion carried with all voting in favor with D. Kraatz opposed.

#### Merging PLGIT Accounts

Instead of having two General accounts and three each of Water and Sewer accounts, the auditor and Solicitor Rehmeyer do not see an issue with merging the accounts into one General, one Water, and one Sewer account.

F. Arbogast moved to consolidate the two general accounts into one account, the three water accounts into one account, and the three sewer accounts into one account.

S. Mayoryk seconded. The motion carried with all voting in favor.

### **ENGINEER'S REPORT**(written report, Eng. Lipinski not at meeting)

2018 Streets

Kinsley Construction, Inc. stated it is satisfied with the amount paid for the road projects and Eng. Lipinski has issued a letter that the previous payment made by the Borough is the final payment.

Deer Creek Pump Station Sewer Meter Analysis

The final report was submitted to the Municipal Authority at its January 23 meeting.

Eitzert Farms Street Lights

Engineer Lipinski met on January 17 with electrical engineer, Jim Good, to discuss the LED lighting options. More information will be presented at the March meeting.

**SOLICITOR'S REPORT**Market Square Shopping Center Declaratory Judgement Action Regarding Stormwater and Stormwater Management Facilities

Solicitor Rehmeier asked to have an executive session to discuss this matter.

Heathcote Glen II, Phase 3 Water Line

As stated previously, there is a problem with the water line not being in the right-of-way on Hastings Way, as shown by prior documents of record. The developer's attorney was preparing updated documents in order to protect the Borough and to better inform the property owners. It is believed now that the homeowners and builder have issues and there is no cooperation from the homeowners in the Homeowners Association context, which is where a document needs to be approved and recorded. These issues need to be resolved before there is any further construction. A letter was sent to the homeowners by the developer's attorney. There has been no change.

Ordinance 2019-1 Amending the Zoning Ordinance Definition of Kennels to Add a Definition for Domestic Animals and to Add Requirements for Kennels and Animal Hospitals

S. Walters moved to adopt Ordinance 2019-1.

S. Mayoryk seconded. The motion carried with all voting in favor.

Ordinance 2019-2 Amending Ordinance 2012-3 to Expand the Definition of Soliciting to Include an Attempt to Buy or Sell Anything of Value on Private Property Without the Invitation of the Property Owner

F. Arbogast moved to adopt Ordinance 2019-2.  
S. Walters seconded. The motion carried with all voting in favor.

Ordinance 2019-3 Amending Ordinance 2003-7, the Nuisance Ordinance to Provide Time Limitations Regarding Consumer Fireworks

S. Walters moved to adopt Ordinance 2019-3.  
S. Mayoryk seconded. The motion carried with all voting in favor.

Resolution 2019-1 Amending the Quarterly Sewer Charges for Various Uses

S. Mayoryk moved to adopt Resolution 2019-1.  
T. Nadobny seconded. The motion carried with all voting in favor.

Volunteer Service Credit Program

Solicitor Rehmeyer's office is preparing the forms to administer the program and coordinating with Fire Chief Myers on the point system.

Stewartstown Railroad Company

As reported last month, the President of the Railroad indicated that the Company would like to differentiate the fee for the services it receives and the crossings fees it desires to collect. Solicitor Rehmeyer replied requesting information similar to what was requested from Omega Rail Management, particularly about other railroad crossing agreements in southern York County. We are waiting to hear from the President of the Railroad. Invoices are still being received from Omega Rail Management Company.

Sewer Issues

A letter was sent to Attorney Hovis requesting detailed financial information on January 17 as requested by the Borough to help with the sewer budget process. New Freedom Borough is in the process of gathering information and documents that were requested.

Dunaja Subdivision Plan

Shrewsbury Township has requested certain agreements with regard to utilities. Solicitor Rehmeyer's office is preparing agreements pertaining to water and sewer service, road cuts and street restoration. The Municipal Authority is requesting surety.

6 Circle Drive Sewer Lateral

According to bankruptcy counsel for the property owners, a quote was requested from Clearwater Excavation for repair and they are still waiting on a response. A follow-up was made.

### Right to Know Law Fee Schedule

Solicitor Rehmeyer prepared an update to the schedule; the fees are the maximums allowed by law.

### Executive Session

An executive session was called at 9:03 p.m. to discuss a legal matter and a personnel matter. The meeting was reconvened at 9:44 p.m.

### Public Safety, Welfare and Personnel – F. Arbogast/S. Walters

#### SCEMA

S. Walters stated there is a PEMA weather drill here on March 26 starting at 8:30 a.m. and on March 29 there is a live exercise involving the school district where there could be use of the EOC as part of that exercise.

### Secretary's Report – C. Bosley

#### Liquid Fuels Audit

An audit of the 2018 records for Liquid Fuels will take place on February 15.

#### Tape Recording the Meetings

There is no purpose in continuing to tape record the meetings as the recording was for the convenience of the Secretary if she had a question when preparing the minutes.

F. Arbogast moved that the Secretary discontinue recording the meeting as it has not proven to be of value.

S. Walters seconded. The motion carried with all voting in favor.

### York Adams Tax Bureau – M. Sharkey

M. Sharkey attended the January 28 meeting which was his last meeting as President. The new officers were installed. Results of an HR291 report were sent to Sen. Kristin Phillips-Hill

regarding the Department of Revenue collecting earned income taxes. There are some weaknesses in the report.

## **UNFINISHED BUSINESS**

### **Sidewalks**

S. Mayoryk stated that Tim Kitchell is looking into a program where energy companies can be involved in restoring sidewalks. There is also the Main Street program that will be looked into. K. Wills is trying to arrange for another walk through after the weather improves.

## **NEW BUSINESS**

Mayor Sharkey attended a recent Girl Scout Gold Award ceremony and the Borough presented a certificate. He will also present the fire company with a certificate at the banquet on March 2.

Mayor Sharkey also stated that if the Borough receives turnback funds from the 2018 payments back, perhaps some of those funds can be donated back to the police department toward the K9 unit.

## **COMMUNICATIONS**

### **E-Mail from Developer Asking to Meet**

S. Walters stated he received an e-mail from Phil Robinson asking to meet to discuss the sewer capacity.

Council felt that any sewer related issues can be brought up at either the Municipal Authority meeting or a Council meeting. The water and sewer committee had met with Phil and others a few times in 2017 and 2018 as well.

## **ADJOURNMENT**

T. Nadobny moved to adjourn the meeting at 10:14 p.m.

S. Walters seconded. The motion carried with all voting in favor.

Submitted by Cindy L. Bosley, Sec.