

## MINUTES

## SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

AUGUST 11, 2004

PRESENT: Mayor James W. Reedy, Michael R. Caum, Frederick C. Noble, Michael W. Ridgely, Christopher M. Skoglund and Eric W. Stoley

## OTHERS

PRESENT: Jeffrey L. Rehmeyer, II, Esq.; James R. Holley, P.E.; Brian L. Sweitzer, Supt. of Public Works; E. Michael Lee of Codes Enforcement; Barb Krebs of The York Dispatch; Nina Paules of The York Daily Record; Gary LaBarre; Jeff Shank; Tom Whitcraft; Nate Kirschman; Chief James Childs; Ryan Frieme; Laurence Wirtz; several residents of Covington Dr.

The regular meeting of the Borough Council convened at 7:32 p.m. in the Borough Municipal Building, 35 West Railroad Avenue with Vice President Ridgely presiding.

**CITIZEN'S COMMENTS**

Dan Hagel of 21 Covington Dr. presented a petition on behalf of himself and his young friends asking Council to consider installing a bike/skateboard park. He said they are getting in trouble with the police for riding in the street. Dan was told the Borough is hesitant to install a park like this where the liability is so great and the costs associated with insurance are high. The Borough is not interested in such an endeavor. Dan was advised to speak with the owner of the skate park along the Trail to see if he is interested in expanding to include bikes.

Laurence Wirtz of Lexington Dr. stated he is unhappy with an invoice sent to him for work done to a manhole on his property. He was invoiced in September of last year and has just paid the delinquent bill which included attorney's fees. This matter was referred to Committee.

Gary LaBarre stated the EOC was open Saturday to help with parade communications.

Nate Kirschman, EMA and Shrewsbury Volunteer Fire Company, prepared a report on subscriber radio replacement for the new 911 upgrade. The cost to replace the fire company's radios is \$131,350.00 not including the pagers, which will be paid from firemen's relief and/or grant monies. Chief Childs said to replace the police department's radios will cost around \$43,000.00. Nate will address the cost of the EOC and Borough radios. These monies will be budgeted over the next three years.

Fred Noble spoke on behalf of himself and the residents of Covington Dr. in attendance about the speeding and the volume of traffic since the development of the Shrewsbury Commons, Shrewsbury Square and surrounding area. Letters were sent to Rep. Miller and Sen. Waugh asking for their support of bills to allow local police departments to be able to use RADAR. A response was received from Sen. Waugh that a bill is in Senate now. Rep. Miller said one bill is in committee now. To be able to use ESP and VASCAR, the police department needs two cars and two officers. The York County Boroughs Association and PSAB sponsor a resolution every year to support the local use of RADAR. A traffic study was requested for two(2) three-way stop intersections which was denied by the County. F. Noble stated he counted 227 vehicles last Thursday between 5:30 p.m. and 6:30 p.m. on Covington Dr.

A resident requested speed bumps again and he was told that under PA law, municipalities are immune from certain liabilities and speed bumps is not one of them. The Borough could be sued if someone trips or has an accident or sustains damages to their vehicle. Snow removal would be difficult and time consuming and other residents could request bumps for their streets.

Chief Childs stated he believes the one-way out of Crosswind Dr. would help with the volume of traffic. The County did approve a do not enter sign at Crosswind Dr. at Tolna Rd. They are still working on the study for a traffic signal at Tolna Rd. and Main St.

F. Noble moved that two speed bumps be installed on Covington Dr. The motion died and was later withdrawn.

C. Skoglund stated that at the last meeting, he and his committee were charged with asking for three studies from the York County Planning Commission. A response was received for two of the requests, but not for the traffic light study. The residents have not given the Committee a chance to look at the situation as a whole and weigh all of the possible solutions to come up with the best comprehensive

solution. A meeting was held at the location without the knowledge of the Committee.

Resident Mike Hare and another resident were nominated to serve as the citizen representatives to work with the Committee.

The Secretary was directed to ask County Engineer Donald Bubb when the study for the traffic signal would be finished.

E. Stoley moved that a letter be written to the York County Planning Commission and the York County Commissioners to express dissatisfaction that we cannot use stop signs as a means to control traffic volume as well as speed and to consider granting approval to use stop signs for speed control.

F. Noble seconded. The motion carried with all in favor.

E. Stoley moved that we get feedback from the community and to ask Shrewsbury Township about making Crosswind Dr. one way at Tolna Rd.

C. Skoglund stated he attended the Township meeting last week and they are in agreement with making Crosswind Dr. one way for that short section. They will be sending a letter of support and they are also going to write a letter to the State Police to encourage them to monitor speed on residential streets.

The Secretary was asked to write a letter to Lt. Butler of the State Police asking him to attend our next meeting.

### **APPROVAL OF MINUTES**

M. Caum moved to approve the minutes of the July 14 meeting.

E. Stoley seconded. The motion carried with all in favor.

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

C. Skoglund moved to approve the expenditures and report of accounts for May and June, 2004.

E. Stoley seconded. The motion carried with all in favor.

**BILLS**

The bill list was presented for July. General account: check numbers 6239 thru 6292 totaling \$141,175.02; water account: check numbers 3024 thru 3043 totaling \$9,157.75; sewer account: check numbers 2565 thru 2582 totaling \$155,479.71. Total disbursements for the month were \$305,812.48.

F. Noble moved to approve the bill list for July.

E. Stoley seconded. The motion carried with all in favor.

**SUBDIVISION AND LAND DEVELOPMENT BUSINESS****Deer Creek Development Bond Reduction**

Eng. Holley concurs the bond may be reduced by an amount of \$8,000.00 leaving a balance of \$51,640.00.

M. Caum moved to approve the reduction in the bond by an amount of \$8,000.00 leaving a balance of \$51,640.00.

E. Stoley seconded. The motion carried with all in favor.

**Valley View Grove Letter of Credit Reduction**

Eng. Holley concurs the letter of credit may be reduced by an amount of \$66,872.00 leaving a balance of \$177,549.85.

E. Stoley moved to approve the reduction in the letter of credit by an amount of \$66,872.00 leaving a balance of \$177,549.85.

F. Noble seconded. The motion carried with all in favor.

**Southern York Turf and Tractor Final Land Development Plan #2004-2**

The work will be done in three phases as shown on the plan. There was discussion about a buffer being required on the southern part of the property. York County Planning Commission felt the private driveway served as a buffer. E. Stoley felt a note should be added to the plan stating no outdoor storage would take place in front of the building. Outdoor storage is shown on the plan as being behind the setback line.

C. Skoglund moved to approve the plan as presented pending approval of the Soil and Erosion plan and DEP approval.

M. Caum seconded. Roll call vote:

Caum	yes, in favor
Noble	yes, in favor
Ridgely	yes, in favor
Skoglund	yes, in favor
Stoley	no, opposed

## **REPORTS**

### Codes Enforcement – Mike Lee

#### Sign at Tire Store, N. Main St.

The sign will be turned off between 9:00 p.m. and 7:00 a.m. which is the best we can expect since a permit was issued.

#### Deer Creek Dev. Mowing

Mike is working with the property owner to get the weeds cut in the buffer zone and in the development. He now has a copy of the Buffer Agreement that states the owner of the shopping center has to maintain the buffer zone behind Cardinal Dr.

#### Wash-out behind 200 Cardinal Dr.

Mike is working with Kinsley about a wash-out on the bank behind Fred Noll at 200 Cardinal Dr. Part of Fred's yard was planted with crown vetch instead of grass.

#### Market Square Dumpster

Penn Waste emptied a dumpster this past Monday between 5:30 and 5:45 a.m.

#### Painting at 9 – 13 S. Main St.

A business asked permission to block the turn lane in order to have the front of the building painted. They will have to get a special permit from PennDOT.

### Chik-fil-A Grand Opening

The grand opening plans for the new restaurant may need to be altered.

### Executive Session

An executive session was called at 9:40 p.m. to discuss possible zoning litigation. The meeting was reconvened at 9:58 p.m.

### 14 Onion Blvd.

F. Noble moved that an enforcement notice be sent to the property owner in accordance with the paperwork submitted by Sol. Rehmeyer.

E. Stoley seconded. The motion carried with all in favor.

## **OTHER REPORTS**

### **Water & Sewer**

#### Forest Lakes Pump station

The Forest Lakes pump station will be able to handle the additional development planned for the area and in the next two weeks, the new and bigger impellers will be installed to increase the output as a short term solution to the past overflows. All homes in the Forest Lakes and Strawberry Fields areas will be checked for illegal connections such as down spouts and sump pumps. There are also 11 leaks that need to be repaired. A notice will be placed in the newsletter and a letter will be sent to Township sewer customers. Illegal connections are covered in Ordinance 1973-9.

#### EPA Award Wellhead Protection

The Borough will receive an award from EPA for the wellhead protection plan at the next Council meeting.

### Wellhead Protection Meeting

The next meeting will be Wednesday, August 25 at 7:30 p.m.

### **Public Roads & Lighting** – Christopher M. Skoglund

#### Storm Sewer

The two storm sewer jobs scheduled for this year may have to be postponed. The quotes obtained are too high and the storm sewer work on Highland Dr. may be postponed until bidding is more realistic.

### **Public Lands, Buildings and Finance** – Frederick C. Noble

#### New Public Works Garage

The major holdup of bidding the garage is the right of way agreement for the access road through Christ Lutheran Church's Cemetery to the building, salt bin and reservoirs cannot be located. There may need to be a right of way agreement drawn with compensation paid to the Church. The Borough will maintain the roadway.

#### New Computers

M. Ridgely suggested the Borough retain Velda Nichol as the consultant to help with the purchase of the new computers.

#### Lease for Former Library Building

The draft lease was sent to Pen-Mar. It looks like they will be subject to ADA requirements. E. Stoley will supply the information relating to insurance and clarification needs to be made that the tenant takes care of snow removal and grass cutting.

### **ENGINEER'S REPORT**

### Covington Ridge Grading Problems

Eng. Holley stated there are grading problems in this development and Jim asked that Council authorize Codes Enforcement to have the developer correct the problems.

Codes Enforcement is authorized to work to get the problems corrected.

## **SOLICITOR'S REPORT**

### Marvel/Wallen Zoning Hearing Issue

This matter is still on hold pending the private litigation.

### Loitering and Curfew Ordinances

This matter will most likely be dropped as there is not sufficient reason to change the curfew time.

### Interpretation of Wellhead Ordinance

Sol. Rehmeyer feels the ordinance be amended to clarify the intent of the provisions relating to bulk storage of fuels and sale of fuels.

### Cable Franchise Agreement

Sol. Rehmeyer will invite Brian Berger to the meeting to answer some questions, mainly about the rate structure.

### Burn Ban Ordinance

We need to hear back from the fire company with their comments.

E. Stoley moved that the ordinance be approved within 60 days.

F. Noble seconded. The motion carried with all in favor.

### Fire Hydrant Ordinance



E. Stoley moved to authorize Sol. Rehmeyer to advertise the ordinance for adoption.

M. Caum seconded. The motion carried with all in favor. There is no grandfather clause in the ordinance.

### UCC Board of Appeals

This ordinance allows the Borough to participate in the County-wide Board of Appeals.

E. Stoley moved to adopt Ordinance #2004-5.

F. Noble seconded. The motion carried with all in favor.

### As-builts Requirements

Sol. Rehmeyer will see if the ordinance needs to be changed to require as-builts prior to the issuance of occupancy permits or if we can adopt that policy by resolution.

## **Public Safety, Welfare and Personnel** – Frederick C. Noble

### Personnel Meeting

A personnel meeting will be held with Brian in September to discuss the Public Works budget and personnel.

### Part-time Office Help

The Secretary was authorized to advertise.

### Tax Collector Survey

The Secretary was asked to obtain a copy of the survey as compiled that asked for information on amounts paid to tax collectors.

## **Secretary's Report** – Cindy L. Bosley

### Tree Lighting Ceremony

The tree lighting will be on Sunday, December 5 at 6:00 p.m.

### **York Area Tax Bureau** – Frederick C. Noble

F. Noble stated that with the approval of Act 72 (slot machines), the school districts can now impose a personal property tax. The York Area Tax Bureau is vehemently opposed to this as it will create double record keeping for their office. The director will visit each school superintendent to urge them not to impose the tax.

### Delinquent Taxes

The list of people not on the tax books will be reviewed this month by the Bureau and will be considered delinquent for this year. The Bureau can go back two years to collect back taxes.

### **Recreation Board** – Frederick C. Noble

### **Subdivision, Land Development and Zoning** – Eric W. Stoley

#### Amendment to Zoning Ordinance

Zoning Hearing Board Solicitor, Harry McNeal, is suggesting the ordinance be changed to permit multiple purpose buildings in the Commercial zone; clarification is needed.

### **Planning Commission/Regional Planning Commission** – Eric W. Stoley

The regional planning commission met last week and they are looking at controlling runoff problems rather than by using detention ponds.

### **Southern Regional Police Commission** – Mayor James W. Reedy

The report for July was highlighted by Mayor Reedy. M. Caum said the police department should be commended for their help in capturing the two arsonists this past weekend.

### **UNFINISHED BUSINESS**

#### **NEW BUSINESS**

##### **Open Space Plan**

A letter was received from Shrewsbury Township about carrying out an open-space plan.

This will be discussed further next month.

#### **OTHER BUSINESS**

C. Skoglund expressed his further dissatisfaction with the way the Covington Dr. traffic problems were handled recently by others not on the Committee and he at this time resigned as Chairman of the Roads Committee. He was not aware that the Covington Dr. residents were going to be in attendance to demand a quick solution. He feels there should be effective use of all the Committees and no hasty decisions should be made.

#### **COMMUNICATIONS**

#### **ADJOURNMENT**

The meeting was adjourned at 11:15 p.m. seconded. The motion carried with all in favor.

Submitted by,

Cindy Bosley, Secretary