

MINUTES

SHREWSBURY BOROUGH COUNCIL

PRESENT: Mayor James W. Reedy, Richard R. Buchanan, Eugene M. Livermore, 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; Chris Santoro; J. Ross McGinnis; Todd Grove of Murphy and Dittenhafer; Dave Claghorn; Ronda Hofler; Gary LaBarre; Steve Hovis; John Luciani; Brian Pomykacz; Barb Krebs of The York Dispatch; Terri Reuter of The York Daily Record; other interested citizens

The regular meeting of the Borough Council convened at 7:38 p.m. in the Borough Municipal Building, 35 West Railroad Avenue with Vice President Ridgely presiding.

CITIZEN'S COMMENTS

Gary LaBarre stated the radio club's open house at the new tower site will be October 28 from 12 – 2 with the rain date being the 29th.

Ronda Hofler of 50 Woodland Drive stated a next door neighbor's son shoots bow and arrows (possibly a crossbow) at a deer target between the homes and it doesn't appear to be safe. Chief Childs stated ordinance 1970-7 is not enforceable as it doesn't list bow and arrow as a deadly weapon. Sol. Rehmeyer will contact Chief Childs. We believe the ordinance may be enforced as it stands.

A letter will be sent to the neighbor asking for consideration and to be more safety conscious.

Chris Santoro, President of the fire company gave the third quarter report. He stated the fire department will be purchasing a new rescue truck at a price of about \$500,000.

Dave Claghorn of York Waste Disposal was present at the request of Council. Recently, the recycling truck was in the 600 block of South Main Street at 6:10 a.m. The Secretary contacted York Waste and they had the driver come back to collect those areas he was in prior to 7 a.m. Mr. Claghorn stated he would speak with the supervisors of both the regular and recycling trash employees and remind them the starting time is 7 a.m. It was also mentioned York Waste Disposal has purchased Heyne's Refuse. Mr. Claghorn was told of the problems and conditions at the Heyne's Refuse site on Onion Boulevard and that no truck is to be parked there containing trash.

APPROVAL OF MINUTES

- E. Livermore moved to approve the minutes of the September 13 meeting.
- E. Stoley seconded. The motion carried with all in favor.

BILLS

- Murphy & Dittenhafer municipal building renovations \$12,079.42;
- Barton Associates municipal building renovations \$524.00;
- Geological Services, Inc. wellhead protection \$3,937.50; out of scope meeting \$1,040.00;
- Harry L. McNeal, Jr. zoning hearing fees \$1,547.00'
- Countess Gilbert Andrews general account thru 9/19 \$4,251.96;
- James R. Holley & Assoc. reservoir rehabilitation \$1,439.76; general engineering \$1,657.87; design of north end pump station \$3,087.73; Deer Creek pump station \$135.45; Trout Run pump station \$25.75; wellhead protection \$292.80;
- Velda Nickell bookkeeping services for September 13.50 hrs. \$270.00

- E. Stoley moved to approve the above bills.
- E. Livermore seconded. The motion carried with all in favor.

SUBDIVISION AND LAND DEVELOPMENT BUSINESS

Wawa, Inc. Tract Consolidation Plan – 2000-4

Eng. Holley recommends approval of the plan subject to the following condition and note being added to the plan: “No building permit will be issued for the property until a Land Development Plan has been approved by Shrewsbury Borough Council.”

C. Skoglund moved to approve the Preliminary Tract Consolidation Plan #2000-4 subject that no building permit will be issued for the property until a land development plan has been approved by Council.

R. Buchanan seconded. The motion carried with all in favor.

Wawa, Inc. Preliminary Land Development Plan – 2000-5

Atty. Steve Hovis, John Luciani and Brian Pomykacz were present. Wawa proposes a 4,700 square foot store with six gas dispensers in the front of the two acre lot with parking in the rear. Two driveways are proposed. The easternmost will be a right in, right out and the westernmost will be a full movement driveway. Two issues are outstanding based on Eng. Holley’s comments dated September 18:

- 1) Deer Creek: Atty. Hovis stated that since the draft of the wellhead protection plan was not reviewed until August this plan is exempt from falling under the criteria for a zone two prohibited use.
- 2) Grading: to be discussed later in their presentation.

Discussion ensued regarding the concern for the leaking of the piping between the tank and the dispenser. Our hydrogeologist has extensive experience and this was his main concern. During partial settlement, the pipes settle and break. EPA guidelines state that once a hydrogeologist determines an area covers a source of groundwater a use such as this is prohibited in a zone two, in which this tract is located.

Atty. Hovis was told that regardless of where the committee stands with the wellhead protection plan Wawa has consistently been reminded about the need to protect one of our water sources.

Exhibit #1 was presented: Proposed Gas System. They are calling for double walled tanks with flexible piping with a joint at the tank and a joint at the pump.

An alarm is monitored in three places: the hose, catch basin and the tank. It was stated all employees will be trained to take care of small leaks. A haz-mat team could be on the site in about 40 minutes.

E. Stoley mentioned that at the zoning hearing Wawa promised a training program and instruction booklet would be presented at the time of land development review.

Brian Pomykacz stated they have Wawa stores located in wellhead protection areas and there are certain specifics that must be met and they exceed those requirements. He was unable to answer questions regarding the warranty periods for the flexible tubing or the tanks.

Exhibit #2 was presented – Stormceptor Technical Manual

Storm water for the entire parking lot would enter corrugated metal pipes and would be stored underground before going through an oil and water separator. If a large spill would occur it was stated it could be contained in the large storage tanks used for storm water. Employees would be trained to turn the valve.

If gas gets to Deer Creek – Exhibit #3 was presented. Atty. Hovis highlighted the Borough's 1997 Annual water report. Based on his review, if the Borough had to take this water source off line we would still be able to provide enough water to the residents.

Exhibit #4 – Spill Prevention Act was presented. Wawa will be responsible to pay to replace the water supply. Mr. Pomykacz wasn't sure if Wawa carried environmental repairment liability insurance. They estimated the cost to replace the water is \$10,000. They contacted the York Water Co. and there are two points for possible connection as per Exhibit #5.

Should we lose this water source the cost of hookup will not be our only expense. York Water Company charges more for their water per gallon.

E. Stoley reminded Council that if contamination did occur, it would be up to the Borough to prove who contaminated the water supply which would cost money before the contaminator took any action.

Atty. Hovis stated the Borough is speculating contamination.

E. Livermore offered his services as a reliability engineer. Upon receipt of the names and addresses of the tank and piping suppliers, he will research and do an analysis of the probability of failure.

The existing property has a well. This well must be closed based on EPA guidelines. This should be noted on the plan.

Other items that should appear on the plan or be presented: separator, plug/valve; training plan/emergency response plan; bond or cash; and that EPA standards will be used when closing the well.

Lighting was discussed and appears to be satisfactory.

Exhibit #6 – Engineering Report for Topography and Slopes

Grading The back grade exceeds Section 312 of the Zoning Ordinance. It was stated that it does exceed this section because of the size of the store and proposed use for this property. Other properties along this corridor worked with the existing grade with the exception of Hardee's now Wendy's and after that was built, the zoning ordinance was changed to include Section 312. The Coach Light restaurant was in existence for a bout 40 years, prior to the zoning ordinance. It is possible to develop this lot as per the existing grade. It's possible this is the wrong choice of business for this lot. The grading presented on the plan is not congruous with the adjoining property owners. It appears the back wall is right at the edge of the stream. The plan violates Section 312 of the Zoning Ordinance.

E. Stoley moved to not approve the preliminary land development plan #2000-5 as it is not in keeping with the spirit and scope of Section 312 of the Zoning Ordinance.

R. Buchanan seconded.

Atty. Ross McGinnis spoke on behalf of the property owners, Dill, and claimed that if the property becomes unmarketable and unusable a challenge will be made for defacto condemnation.

A roll call vote was taken. An aye vote signifies an agreement to disapprove the plan.

Buchanan	aye
Livermore	aye

Ridgely	aye
Skoglund	aye
Stoley	aye

The motion carried with all in favor.

Both Wawa plan reviews were recorded stenographically by a stenographer hired by Stock and Leader.

A break was called at 10:18 p.m.
The meeting resumed at 10:27 p.m.

Southern York Turf & Tractor – Land Development Plan Requirement Waiver

Leon Ghougasian was present asking for waiver from the land development plan requirement for construction of a 24' x 24' addition to the north end of their business at 250 North Main Street for a wash bay and storage. The addition would be connected to a grit, oil and grease separator before connection to the sanitary sewer. Eng. Holley recommended the waiver be granted.

E. Stoley moved to grant a waiver from the land development plan requirement.
E. Livermore seconded. The motion carried with all in favor.

Zoning Officer

Reports are on file.

EXPENDITURES AND REPORT OF ACCOUNTS

E. Stoley moved to approve the expenditures and report of accounts for September.
C. Skoglund seconded. The motion carried with all in favor.

Public Water & Sewer – Richard R. Buchanan

Reservoir Painting

The painting project is near completion. There is a small portion of work that still has to be addressed; Brian is working on tying the two reservoirs together and installing valves for each.

Wellhead Protection Meeting

The next meeting is Thursday at 1:00 p.m. A representative from Emergency Management will be present; we are waiting for the hydrogeologist to complete our wellhead delineations.

Public Roads and Lighting – Christopher M. Skoglund

Spring Creek Drive

A complaint was received from a resident about a constant wet spot in the cul-de-sac.

The amount of \$1,000.00 will be budgeted next year to dig up this area and connect it to a drain. A letter will be mailed to the resident.

Northbrook Lane

Several residents along Northbrook Lane have written to Representative Ron Miller that the Borough is not satisfying their wishes for speed bumps, prohibition of cut-through traffic and restriction of trucks. He has informed them it is a Borough situation. We have posted additional speed limit signs, posted children at play signs and we are investigating the prohibition of compression brakes. The police will be asked to park the speed trailer there periodically. E. Stoley mentioned in the 1981 Comprehensive Plan Northbrook Lane is listed as a collector street. E. Stoley suggested copies of that section of the Comprehensive Plan be mailed to the residents.

Street Light at Northbrook Lane and Plank Road

A letter was received from GPU stating their unwillingness to place a shield on this light due to liability reasons. The Borough agrees with their decision.

South Main Street Repaving

E. Stoley said PADOT plans to begin work the first of April and finishing about July 12.

Public Lands, Buildings & Finance – Michael W. Ridgely

Municipal Building Renovations

Five bids were received ranging from \$292,591 to \$355,100. The approximate cost breakdown is generator - \$40,000; electrical power and lighting - \$60,000; HVAC - \$55,000; demolition - \$6,000; drywall and metal studs - \$17,000; flooring - \$11,000; and painting - \$6,500. Lobar Associates was the low bidder at \$292,591. M. Ridgely stated \$150,000 was put into this year's budget and that amount will be carried over into the 2001 budget. The renovations to the municipal garage are on hold as an operative committee for land acquisition will be formed to seek land to build a new garage in the future.

E. Stoley moved to approve the bid of Lobar Associations with the modification the Public Works garage can be fitted to utilize the emergency generator.

R. Buchanan seconded. The motion carried with all in favor.

Municipal Garage Renovations

R. Buchanan moved to reject the bids received last month for the Public Works garage renovations.

C. Skoglund seconded. The motion carried with all in favor.

Tower Site – Woodland Drive

Comsite withdrew their offer to purchase the site due to the public bidding requirement. They have offered a new lease with a monthly rate of \$827.00. Sol. Rehmyer will contact Comsite regarding a shorter term of the lease.

Engineer's Report

Jim recommended Justin McClain be hired for a month over his winter break from college for data entry into our GIS.

E. Stoley moved that Justin McClain be hired for a month for data entry at his summer help rate of pay.

R. Buchanan seconded. The motion carried with all in favor.

Solicitor's Report

Fred Knott – delinquent sewer bill

The third property owner came forward and is offering to pay the back sewer charges in full plus the costs involved in the collection process.

104 Westview Drive – Vega

If the grass needs to be cut again, the Borough should cut the grass and Jeff will lien the property.

Unimart

Word was received from a Harrisburg law firm they are assisting Unimart in their appeal process.

Case & Keg

No appeal has been filed. Jeff is working with the zoning officer to determine if we should proceed before the District Justice.

Robert Machovec – sewer contamination claim

An executive session will be held later in the meeting.

Compression/engine brake retarders

Jeff submitted a request to the PADOT District Engineer requesting the necessary study prior to the adoption of an engine brake retarder prohibition ordinance.

Heyne's Refuse Service

Jeff sent a courtesy letter to Mr. Heyne indicating the Borough received a complaint on the operation of his business and that an investigation will be ongoing to discover if he is in fact violating a special exception decision.

An executive session was called at 11:30 p.m. to discuss land acquisition and a pending litigation.

The meeting resumed at 11:40 p.m.

Public Safety, Welfare and Personnel Secretary's Report

The annual York County Boroughs Association meeting will be November 11.

Recreation Board – Eric W. Stoley

Shrewsbury Township/Regional Recreation

Everybody voted to accept the Township back. A grant will be requested for the acquisition of the 22 acres near the YMCA the Township wants to purchase and letters of support are requested.

E. Stoley moved that Shrewsbury Borough send a letter supporting the acquisition.
C. Skoglind seconded. The motion carried with all in favor.

Regional Recreation Workshop

Another workshop will be held on October 26 here.

Regional Trash Collection

Eric stated the Planning Commission is looking at regional trash collection and he asked for a copy of our contract.

Planning Commission/Regional Planning Commission – Eric W. Stoley

The first meeting of the transportation coalition with PADOT was held and any relief to exit 1 would not be seen for four to seven years.

Southern Regional Police – Richard R. Buchanan

Buck highlighted the report for September. There has been a great response to the speed trailer.

Budget

Our portion of the budget will increase by 8.8% as the Commission loses some grant money next year.

E. Stoley moved to accept the 2001 Southern Police Commission budget.

C. Skoglund seconded. The motion carried with all in favor.

Hopewell Township representatives were impressed with the presentation given recently.

Adjournment

The meeting was adjourned at 12:01 a.m.

Submitted by,

Cindy L. Bosley
Secretary

The Borough received a letter of concern regarding the archery practice being done in your yard in close proximity to their family pet and while neighborhood children are outside playing who may very well cut through your yard.

I am writing at the request of Council to urge you to be considerate and to practice good safety precautions and a good neighbor policy.

Thank you for your consideration.