

MINUTES

SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

April 8, 2015

PRESENT: Mayor Peter W. Schnabel, Fred W. Arbogast, Richard R. Buchanan, Michael W. Ridgely, Christopher M. Skoglund, Eric W. Stoley; Michael G. Sharkey and Stanton L. Walters

OTHERS

PRESENT: Brian L. Sweitzer, Supt. of Public Works; Jeffrey L. Rehmeyer, II, Esq.; David Lipinski, P.E.; Larry Zimmerman; Nate Kirschman; Keith Hunnings of South Penn Code Consultants; Diane Jacobson; Fire Chief Tony Myers; Nate Kirschman; Chief Boddington; Tim O'Donnell and Anthony Spirito of Republic Services ; Ted Nadobny

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

CITIZEN'S COMMENTS**REPUBLIC SERVICES TRASH ISSUES**

General Manager, Tim O'Donnell, and Operations Manager, Anthony Spirito, were present at the request of Council regarding problems with missed collections and failure to meet the conditions of the contract. An updated Action Plan was received on March 31 and a meeting was held today with Mr. O'Donnell, Mr. Spirito, Carol Larson, Customer Service Manager, President Ridgely, Vice President Buchanan, and Secretary Cindy Bosley. None of the Republic representatives present at the meeting were in York when the Borough last met with management regarding past and continuing problems. Mr. O'Donnell stated they want to live up to the contract and they feel it was a breakdown in communications between their supervisor and themselves that caused the mistakes. Mr. Spirito was asked to bring the route sheet that drivers are to follow and he presented a map of the Borough showing most of the problems spots which would be the last homes in the Borough on certain streets that get missed if a substitute driver is on the route. Republic was told that the map is not an adequate route map, the supervisor needs to check in at the office each collection day and if the supervisor is off that day, the office needs to be notified of his replacement for that day; if any regular driver is off, the office needs to be told there is a substitute driver on; they were asked to supply the Borough with their comprehensive list of problems and compliments. Nate Kirschman, of 1 Shetland Drive, stated that when recycling collection on West Forrest Avenue was missed two weeks in a row, it had snowed and the recyclables blew around. He spent

time picking up the trash and placing the bins on top of snow banks in the hopes they wouldn't slide off into the street. He stated it is a public safety issue when trash is missed.

Mr. O'Donnell stated that if trash is missed as long as it is called in the next business day by noon, it will be collected that day yet.

C. Skoglund stated that when collection is pushed back to the holiday schedule when it snows, the residents aren't used to the change.

M. Sharkey entered the meeting at 7:17 p.m.

EXECUTIVE SESSION

An executive session was called at 7:20 p.m. to discuss potential litigation,
The meeting was reconvened at 7:59 p.m.

Last June, deficiencies were discussed extensively and Bryan Fink of Republic Services acknowledged and agreed that the mistakes were so severe as to justify the imposition of fines for mass violations and even termination of the contract. Mr. Fink also agreed that further problems of the same or a similar nature would warrant the imposition of fines or termination of the agreement. He promised that Republic Services would rectify the problems with the service based on his action plan at that time.

The Borough wishes at this time to continue with the contract.

Sol. Rehmeyer summarized the list of items that the Borough will require of Republic Services based on the contract:

- 1) The map needs to be made more detailed to show more of a route sheet so a substitute driver knows where to turn and where the last customer is on a street;
- 2) Based on the contract, the stop-in time for the supervisor is between 3:00 and 4:00 p.m. so that if the office receives a call about a miss or a problem, the supervisor will still be in town;
- 3) A representative of Republic Services should be at the next several Council meetings to provide updates or to discuss any problems;
- 4) Does Republic Services understand and agree that it has breached the agreement sufficiently already so as to warrant the Borough's imposition of fines and/or termination of the contract? Mr. O'Donnell declined to answer at this time. He stated Republic Services is prepared to accept items 1, 2, and 3 above.

F. Arbogast moved that due to the infractions and mass misses in the past few months, that a fine in the amount of \$2,000.00 be imposed.

R. Buchanan seconded. Roll call vote:

Arbogast yes, in favor

Buchanan	yes, in favor
Ridgely	yes, in favor
Sharkey	yes, in favor
Skoglund	yes, in favor
Stoley	yes, in favor
Walters	yes, in favor

Council felt the fine should have been higher. F. Arbogast stated this is the last time another chance will be given and that he will not be in favor of increasing the fine if infractions continue, but to vote to terminate the contract. E. Stoley stated given the fact that the same street was missed two weeks in a row, that it justifies the fine.

Sol. Rehmeier stated the deficiencies are enough to warrant termination of the contract. A short summary of the requirements including whether Republic Services accepts the terms of the continuation will be prepared by Sol. Rehmeier.

WELCOME TO NEW COUNCILMAN

President Ridgely welcomed Stanton Walters to Council and that his Oath of Office and Affidavit of Residency were previously administered.

Southern Regional Police Department – R. Buchanan

Chief Boddington was present. He stated the two new police officers were sworn in. Citations are up due to distractions by cell phones and new technology that allows an officer to run tags to check for any violations such as wrong tags, no insurance, or driving privileges being suspended. Each officer now has his own taser. M. Ridgely stated he attended a Police Commission meeting regarding the passage of the resolution of support but did not have the signed copy to present.

Buck highlighted the report for January, February, and March.

Codes Enforcement – Keith Hunnings

Five permits were issued in March and there was a complaint about the temporary signs put up by Giant at the Shrewsbury Square Shopping Center. After notification to the management, the signs were removed within one day.

APPROVAL OF MINUTES

The minutes of the March 11 meeting were approved by unanimous consent with one amendment which is under the vote for the Council person to replace Carl Munch. The

vote for Stanton Walters read “3” in favor and it should have been “4”. President Ridgely’s vote was not counted.

APPROVAL OF EXPENDITURES AND REPORT OF ACCOUNTS

C. Skoglund moved to approve the March expenditures and report of accounts subject to reconciliation of the fire tax income/expense.

E. Stoley seconded. The motion carried with all in favor. The Municipal Authority report was presented for review only.

BILL LIST

The bill list for March was presented: General account: check numbers 12702 thru 12764; Water account: check numbers 5326 thru 5342; Sewer account: check numbers 4968 thru 4977; Highway Aid account: check numbers 900 and 901.

C. Skoglund moved to approve the bill list for March, 2015.

M. Sharkey seconded. The motion carried with all in favor.

APPROVAL OF PAYROLL REGISTER

C. Skoglund moved to approve the March 2, 16, and 30 payroll registers.

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

SUBDIVISION & LAND DEVELOPMENT

Operation and Maintenance Agreement for 9-13 and 15 South Main Street

E. Stoley moved to approve the signing of the operation and maintenance agreement for stormwater management for the adjoining properties that are owned by the same person.

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

Water & Sewer – Richard R. Buchanan

Winter Weather Water Leaks

The gallons pumped this March (324,484) compared to March of 2014 (288,000) was due to many services freezing and subsequent leaks. A 13,000 gallons per day leak in a service line was discovered on Tuesday with the help of The York Water Company.

Sewer Grease Shopping Center

Kline's Services will flush and vactor the grease from the sewer line at the Mount Airy Road shopping center. The total costs are \$2,975.00 that includes a \$500.00 first offense fine that will go to New Freedom Borough when the funds are received.

Blouse and Smith Wells and the Susquehanna River Basin Commission

Buck submitted his letter about the permit situation and excessive costs. Buck, M. Sharkey and Supt. Sweitzer met with the SRBC on April 1 about the permits. The public hearing will be on April 30 to hear our concerns. The Commission's meeting is on June 4. The amount of \$114,000.00 has been spent to date.

Public Roads & Lighting – Michael G. Sharkey

Road Inspection

The Committee will schedule a meeting to inspect the roads.

Mount Airy Road Traffic Redesign

A letter was sent asking for the delineators and the shopping center management will be contacted about traffic flow. PennDOT responded that its engineers are studying the redesign.

Public Lands, Buildings and Finance – Supt. Sweitzer

New Playground Equipment

The Girl Scouts will install the new playground equipment on April 17 and 18. The Church of the Latter Day Saints will volunteer time at the playground on April 24 and 25 striping the parking lot, spreading woodcarpet, and raking leaves. The work will save the Public Works approximately 40 man hours.

ENGINEER'S REPORT

Johnson Controls

Site work construction has started.

Proportionate Sharing Report

Eng. Holley is reviewing the report and then he will meet with Supt. Sweitzer and New Freedom Borough with concerns.

Deer Creek Pump Station

Eng. Lipinski's office has developed a different design to provide about triple the storage for the wet well and will triple the response time to about an hour. Surveying is anticipated to start tomorrow, weather permitting.

South Hill Street Surveying

The surveying is finished and Eng. Lipinski's office will be working on the design and bid documents to replace the water main and services.

Cloverdale Avenue and Lisburn Avenue Water Main Replacements

The surveying is currently in progress and should be completed next week. The ten inch main and services along Cloverdale Avenue and the six inch main and services on Lisburn Avenue are to be replaced. The service lines will be replaced back to where the existing curb stops are located, some are a good ways up into yards in order to keep connections and future problems to a minimum.

Windy Hill Road Sewer Relocation

An invoice was received from PennDOT in the amount of \$33,907.55 and \$28,000.00 of that was for asbestos pipe removal and disposal. An invoice will be sent to PennDOT for the work the Borough did which will offset the invoice from PennDOT. The Borough/Authority will pay around \$15,000.00 – 17,000.00.

SOLICITOR'S REPORT

Heathcote Glen II, Phase III Water

Sol. Rehmeyer sent a letter to the Chief Counsel of the Pennsylvania Public Utility Commission to ask for an opinion on providing water service to three additional lots in the Township and he is still waiting on the response. Sol. Rehmeyer is working with Atty. MacNeal on the documents including those to establish a homeowners' association to address billing for water services. The previously approved Water Services Agreement for the original eight lots was signed at the meeting.

PennDOT Pipe Replacement under I-83

No changes from last month, PennDOT is preparing to bid the pipe replacement project out that is near the Pumphouse wells. PennDOT will provide an emergency preparedness, prevention, and contingency plan, will notify Supt. Sweitzer prior to work and coordinate with him as work progresses and will include the Borough as an additional insured by the contractor along with PennDOT. The contractor who is awarded the bid will be requested to sign an access licensing agreement with the Borough before accessing any property and this agreement will indemnify the Borough and hold it harmless.

95 East Forrest Avenue Land Development

There have been no new developments regarding this plan.

Ordinance 1970-7 Disorderly Conduct

Pertaining to firearms, a quick review found that most ordinances involving disorderly conduct do not enumerate an exception for discharging a firearm in self-defense. Following brief research, it is the belief that a police officer would not issue a citation for disorderly conduct under these circumstances and, even if an officer did so issue a citation, it's doubtful that a judge would uphold the citation. The Borough should keep this ordinance in mind for future amendments to the ordinances.

Municipal Baseball Game

CGA Law Firm will be hosting the game on May 8.

13 Tree Hollow Drive Vacant Property

Neither the estate nor the mortgage company is moving this vacant property forward to be sold. The owner is deceased and the property has been vacant since 2013 and is going into a state of disrepair. The Borough has a lien against the property for mowing. Due to the property being vacant for so long and starting to deteriorate, Council will push the property along to be sold.

E. Stoley moved to authorize Sol. Rehmyer to update the lien and to start the Sheriff's Sale process that includes issuing a check in the amount of \$3,000.00 for costs, which are reimbursable.

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

Resignation by Nate Kirschman as Police Commission Alternate

Nate stated he resigned as the Borough's alternate representative at last week's Commission meeting. Both M. Ridgely and R. Buchanan urged Nate to reconsider and stay on the Commission. He agreed to do so; the matter is tabled.

Secretary's Report – Cindy L. BosleyLiquid Fuels Audit

An auditor will audit the 2014 records this Friday.

York Adams Tax Bureau – Michael G. Sharkey

The next meeting is at the end of the month. There is an open house coming up and M. Sharkey will provide the dates. C. Skoglund stated no 2015 earned income funds have come in, only prior year funds.

Subdivision, Land Development and Zoning – Eric W. StoleyPlanning Commission/Regional Planning Commission – Eric W. StoleyUNFINISHED BUSINESSNEW BUSINESSIssue Control Sheet

The sheet was updated accordingly.

COMMUNICATIONSDonation

President Ridgely thanked Council for the donation the Borough made to the church in memory of his mother-in-law and that it meant a lot since both he and Nancy went there in their early years.

Post Prom Party Donation

E. Stoley moved to donate \$100.00 to the school for the post prom party.
M. Sharkey and R. Buchanan seconded. The motion carried with all in favor.

Flower Show

A copy of a letter from the flower show committee to the fire company expressing its great displeasure of the rent being raised which is forcing the committee to move the show to another location, breaking a 60+ year tradition was received.

Donation of Bullet-Proof Door/Window

Stewartstown Borough asked about donating these items for installation at the police station. The cost to install the items would be between \$10,000.00 – 12,000.00 plus if the police department moved out of the current building, it would need to be restored to the original condition. After discussion, all of Council felt the expense would not be warranted. The Commission will decide, but since Mayor Schnabel and R. Buchanan did not agree, the matter was brought to Council for discussion.

ADJOURNMENT

E. Stoley moved to adjourn the meeting at 10:10 p.m.
M. Sharkey seconded. The motion carried with all in favor.

Submitted by Cindy L. Bosley, Sec.