

MINUTES

SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

May 11, 2016

PRESENT: Mayor Peter W. Schnabel, Fred W. Arbogast, Richard R. Buchanan, Michael G. Sharkey, Diane Kraatz, Ted Nadobny, and Keith Wills

OTHERS

PRESENT: Brian L. Sweitzer, Supt. of Public Works; Jeffrey L. Rehmeyer II, Esq.; David Lipinski, P.E.; Nate Kirschman; John-Paul Whitmore; Tony Myers, Fire Chief; Phil Robinson; Chief James Boddington; John Von Briesen of the Stewartstown Railroad;

The regular meeting of the Borough Council convened at 7:05 p.m. in the Borough Municipal Building, 35 West Railroad Avenue, with President Buchanan presiding.

CITIZEN'S COMMENTS**EXECUTIVE SESSION**

An executive session was called at 7:07 p.m. to discuss Stewartstown Railroad right-of-way and land issues. The meeting was reconvened at 7:28 p.m.

APPROVAL OF MINUTES

The minutes of the April 13 meeting were approved by unanimous consent.

APPROVAL OF EXPENDITURES AND REPORT OF ACCOUNTS

F. Arbogast moved to approve the bill lists: general account check numbers 13361 thru 13416; water account check numbers 5546 thru 5561; sewer account check numbers 5127 thru 5139; highway aid account check number 910; and to approve the financial reports for April.

M. Sharkey seconded. The motion carried with all in favor. The PLGIT balances and report of accounts for the Municipal Authority were also included.

APPROVAL OF PAYROLL REGISTER

F. Arbogast moved to approve the April 11 and 25 payroll registers.

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

SUBDIVISION & LAND DEVELOPMENT

Eitzert Farms Subdivision Plan Approved and Recorded in 2006

The development was on hold due to the economy. The NPDES permit was not obtained. Phil Robinson explained additional stormwater corrections need to be done to meet new stormwater guidelines as part of developing this property. The detention area will be moved to the land in Shrewsbury Township on the west side of the property that will include a meadow and two wet ponds. It will be fenced in and part of the homeowners association maintenance. Concern was raised that this area is in zone three of the Thompson well. We do not want to see a problem in the future with this area that will cause the Borough to have to perform a 72 hour pump test due to “wetlands” classification. The Borough wants to see strong language in the HOA documents pertaining to maintenance of the basin. Phil noted that the HOA documents would be presented to the Borough solicitor for review and approval. There is security in place now by the current owner and Phil stated he will be obtaining a letter of credit as replacement for that security. It was noted that the development has sewer capacity, which had been allocated to it previously by the Borough. Phil noted that he was pleased to be involved in a project in the Borough, with the benefit of its prior sewer capacity allocations. Phil asked that the project be permitted to proceed with an updated stormwater plan, which will be prepared and submitted to the Borough for review and approval.

F. Arbogast moved that Council is in favor of this plan progressing to meet the new stormwater guidelines.

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

Codes Enforcement

Ten building permits and three use certificates were issued in April. Keith’s activity reports were submitted and are on file.

Southern Regional Police – R. Buchanan and Mayor Schnabel

The formula committee has been meeting and the consensus of the other three members is that it be based 100% on patrol time/hours. Since Shrewsbury has most of the commercial areas and traffic from outside the Borough, the Borough would end up paying a lot more. The fairest way is to spread the formula out based on hours, population, road miles and fair time. R. Buchanan presented formula breakdowns and expected costs for the four municipalities. Another proposal for the formula would be 60% hours; 20% population; 20% roads. All four municipalities would need to be in favor of a change in the formula since it is embedded in the Intergovernmental Cooperation Agreement, which requires unanimous approval to be amended. It was stated the feeling is that Glen Rock Borough will be leaving regardless of any change in

formula as its costs would increase. New Freedom Borough met on Monday night and voted to change the formula to 100% patrol time. The Southeastern School District will see an 8.8% increase and will be considering whether it wants the school resource officer. It was the consensus of Council, Mayor Schnabel, and Tony Myers to keep the current formula.

M. Sharkey moved to reject the 100% patrol time proposal formula change.
D. Kraatz seconded. The motion carried with all in favor.

M. Sharkey further moved to keep the existing formula as is with no changes.
F. Arbogast seconded. The motion carried with all in favor.

M. Sharkey further moved that if keeping the current formula is rejected by the other three members, then a compromise formula of 60% patrol time; 20% population; 20% roads be approved as the alternate position.

T. Nadobny seconded. Roll call vote:

Arbogast	no, opposed
Sharkey	yes, in favor
Wills	no, opposed
Kraatz	yes, in favor
Nadobny	yes, in favor
R. Buchanan	no, opposed

With a tie vote of three to three, Mayor Schnabel was presented the option to break the tie, but he abstained. The motion did not pass.

Water & Sewer – T. Nadobny and Supt. Sweitzer and Eng. Lipinski

Essex Circle Drive Sewer Replacement and Street Restoration

Two bids were received:

Fitz & Smith	\$325,592.50
DeTraglia Excavation	\$445,024.00

M. Sharkey moved to award the bid to Fitz & Smith in the amount of \$325,592.50 pending review of the accompanying documents.

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

The amount of \$100,000.00 was budgeted as we were still in the design phase.

Water Projects

Eng. Lipinski stated the bids will be opened on June 7 for the Cloverdale Avenue, Lisburn Avenue and South Hill Street water main and service line replacements.

Proportionate Share Report

The questions regarding the 2015 report were sent to New Freedom Borough.

Deer Creek Pump Station Wet Well Expansion

Eng. Lipinski reported his office is still in the process of addressing questions from DEP regarding the permit application.

Reservoir Leak

The concrete reservoir may have a leak on the north side and may need to be televised with a budget for repairs next year. The diving inspection cost is \$3,550.00. The tank was constructed in the 1930s. Supt. Sweitzer will monitor the tank.

Public Roads & Lighting – Michael G. Sharkey

Traffic Signal Timing at Square

The most recent change in timing when the signal at Main Street and Forrest Avenue was taken out of the East Forrest Avenue signal loop resulted in a too short left turn phase for westbound and southbound traffic. Both left turn arrows are being lengthened to 15 seconds.

F. Arbogast moved to authorize Milt Sultzbaugh to make the timing changes per the PennDOT revised signal permit once it is received.

K. Wills seconded. The motion carried with all in favor.

Street Sweeping

Ross Industries finished street sweeping on April 18 with a total cost of \$6,902.50, which is down from last year.

Roads Inspection

The Committee will set a date for the tour.

Woodlyn Development Paving

Stewart and Tate will begin paving Woodland Drive, Spring Creek Drive, Oaklyn Circle, and Gatewood Drive on May 25, weather permitting. Residents will be notified a week prior. The Public Works Department is currently patching and replacing storm water inlets.

LED Lighting for Street Lights

M. Sharkey stated Met Ed is offering a program for the Borough to replace the street light heads with LED lighting based on the contract cycle for existing lights.

Public Lands, Buildings and Finance – F. Arbogast

Sweeney Park Service Day

The Church of Jesus Christ of Latter-Day Saints performed community service at Sweeney Park on April 23. The Church spread woodcarpet in play areas, cleaned the open pavilions, cleaned the main pavilion, and picked up trash and debris. Thirty-eight people participated with 41.4 hours of labor expended.

Damage to Ballfield

T. Nadobny said he was made aware of a problem at the ballfield on Monday when a youth team was scheduled to play and had to spend the first half of the evening repairing the damaged field left by another team who played when the field was wet. A lock was also broken.

A message will be sent to the field scheduler that if a team plays when the field is wet, they must restore the field before leaving.

Public Safety, Welfare and Personnel - Fred Arbogast

Public Works Inspection Time Fees

(Discussed later in the meeting but inserted here for continuity)

The current rate charged for inspection time is \$45.00/hour for regular time and has not been increased in about ten years.

F. Arbogast moved to set the hourly inspection rate for the Public Works Department at \$75.00 per hour for the Superintendent and \$55.00 per hour for the other members of the Department.

K. Wills seconded. The motion carried with all in favor.

M. Sharkey moved that inspections done outside normal working hours should be at the time and half rate of the rates just approved.

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

ENGINEER'S REPORT

(Taken under Water and Sewer and Public Roads & Lighting)

SOLICITOR'S REPORT

Apple Tree Court

The Operation and Maintenance Agreement Stormwater Management Best Practices has been signed by the developer and is ready to be signed by the Borough.

M. Sharkey moved to authorize the signing of the Agreement.

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

Street Cut Openings and Excavations Ordinance

A revised ordinance, Letter to Applicant regarding procedures, and Letter to Applicant regarding approval were submitted last month for review. The consensus was that the new permit fee should be \$500.00.

T. Nadobny moved that the ordinance be advertised for adoption.

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

Stewartstown Railroad Fees

Another past-due notice was received; we continue to wait for information that has been repeatedly requested. In response to the discussion held in the executive session, Sol. Rehmeier will contact Mr. McKinney at Omega Rail Management to request the information again. It appears that three of the other crossings may be in the railroad right-of-way but not in a public right-of-way.

Eitzert Farms Financial Security for Public Improvements

In 2006, the final subdivision plan for the development was conditionally approved. Cash financial security was later replaced by a Letter of Credit. In 2010, the developer asked to replace the Letter of Credit with a Mortgage which has been in place since that time. The developer has been struggling to get the NPDES permit approved which was submitted about 18 months ago. The approval time included in the First Amendment to the Agreement for Financial Security is about to expire on July 2, 2016. The Developer would like to extend the Agreement and the Mortgage for at least another year. Sol. Rehmeier recommended approval of the Second Amendment to Agreement for Financial Security and Second Amended and Restated Mortgage.

K. Wills moved to authorize the signing of the Second Amendment to Agreement for Financial Security and the approval of the Second Amended and Restated Mortgage. M. Sharkey and T. Nadobny seconded. The motion carried with all in favor. (These documents will be satisfied once a letter of credit is in place by Phil Robinson.)

Responsible Bidders/Contractors

The following elements can be taken into consideration when determining whether a bidder is responsible: judgment, skill, promptness, faithfulness, skillful workmen, honesty of the contractor, financial standing, reputation, experience, capacity and ability to do the work according to plans and availability and efficiency. Such analysis of bidder responsibility must be done prior to receiving bids. Prior experience with a bidder can be a substitute for an investigation. It was decided to handle this on a case by case basis moving forward, with extra attention being paid to any successful bidder with whom the Borough had challenges previously.

Website ADA Compliance

The webmaster will be asked to ensure our website is ADA compliant.

Public Safety, Welfare and Personnel – Fred W. Arbogast

Joint Emergency Management Agency

Stan Walters is currently the Emergency Management Coordinator for both Shrewsbury Borough and Shrewsbury Township. Shrewsbury Township had asked if the Borough is interested in exploring intergovernmental cooperation with Railroad, New Freedom, and Glen Rock Boroughs. S. Walters stated the County is supporting regionalization. Tony Myers had recommended that Hopewell Township be contacted about joining in as well. Shrewsbury Township should have a working EOC in case this building is not available. New Freedom Borough responded to R. Buchanan that it is not interested in joining the regional effort. At last week's Supervisor's meeting, Shrewsbury Township voted to send a letter to Hopewell Township to see if it is interested in joining.

Secretary's Report – Cindy L. Bosley

The Secretary reported there was a kick-off meeting to start the blizzard expense reimbursement process.

York Adams Tax Bureau – Michael Sharkey

The April meeting was in Gettysburg and M. Sharkey received a copy of the unofficial minutes.

Subdivision, Land Development and Zoning - D. Kraatz

D. Kraatz stated she would like to begin discussion regarding modifying certain use requirements in the Village zone to make some less restrictive and not require a zoning hearing.

Planning Commission/Regional Planning Commission – D. Kraatz

UNFINISHED BUSINESS

NEW BUSINESS

Voting Delegate PSAB Conference

M. Sharkey moved to appoint Mayor Peter Schnabel as the voting delegate at the annual PSAB conference.

K. Wills seconded. The motion carried with all in favor.

Condition of Sidewalks

K. Wills stated some of the sidewalks in the Borough are not in good condition. K. Wills, D. Kraatz, T. Nadobny and B. Sweitzer will serve on a sidewalk committee.

Unopened Alleyway

There is an unopened alleyway between 14 and 16 North Main Street. A title search would need to be done to see who may have owned this area.

Issue Control Sheet

The sheet was updated accordingly.

COMMUNICATIONS

ADJOURNMENT

K. Wills moved to adjourn the meeting at 10:37 p.m.

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