

## MINUTES

## SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

SEPTEMBER 12, 2018

PRESENT: Mayor Michael Sharkey, Fred Arbogast, Stanton Walters, Diane Kraatz, Ted Nadobny, Keith Wills and Stephen Mayoryk

## OTHERS

PRESENT: Brian L. Sweitzer, Supt. of Public Works; Jeffrey L. Rehmeyer II, Esq.; David Lipinski, P.E.; John-Paul Whitmore; Nate Kirschman; Matthew Sharkey; Justin Long; Mateo Vega; Tony Myers, Fire Chief; Nick Caruccio, Fire Company; Eric Johnston; John Davis; Phil Robinson; Charles Nass

The regular meeting of the Borough Council convened at 7:00 p.m. in the Borough municipal building, 35 West Railroad Avenue, with Vice President Nadobny presiding.

**CITIZEN'S COMMENTS**

Rauchael Owens of 24 Covington Drive, was present as she wants to install a six-foot-high fence at the corner of Covington Drive and Sheffer Avenue and was told by the zoning office that the maximum height would be three feet under Section 300.3 of the Zoning Ordinance. She has a corner lot which is considered to have two front yards. She was told she must apply for a variance from the Zoning Hearing Board to receive permission to proceed, as Borough Council cannot grant such an approval.

Emily Gloeckner was present to get the final approval to install a Gaga Pit at the playground for her Girl Scout Award. The frame is made of composite wood and it was the consensus of Council that the bottom of the pit should be grass. A lighter color of composite wood is preferred.

F. Arbogast moved to approve the installation at a cost up to \$2,200.00.

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

Justin Long of 44 Lexington Drive, was present the last two months about poor drainage at his property. A meeting was held on August 23 and was attended by S. Walters, K. Wills, Mike McClain, Shrewsbury Township Road Foreman, Todd Zeigler, Shrewsbury Township Manager, Lee Irwin of Aquatic Resource Restoration, and Supt. Sweitzer. There would be an Exelon grant available to cover 80% of the cost leaving around \$10,000.00 to be paid by the Borough/residents. The stream needs to be lowered to allow for drainage for the stormwater.

The wet areas around the stream have been in existence for decades. The manholes are underwater and as part of the restoration work, causeways would be constructed to gain access to the manholes. Manager Zeigler will pull the original plan for the detention pond in Strawberry Fields and Mike McClain will investigate the sinkhole on the dam breast to determine the extent of the problem. Justin stated he corrected the groundwater problem at the edge of Lexington Drive as it is no longer coming down his driveway. The Solicitor reminded all that the current issues are not necessarily a problem that the Borough is liable to remedy, but it could proceed voluntarily and in coordination with the Township and property owners in a shared solution.

### **APPROVAL OF MINUTES**

The minutes of the August 8 meeting were unanimously approved.

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

F. Arbogast moved to approve the bill list for August: general account numbers 2247 thru 2299; water account: check numbers 1454 thru 1470; sewer account: check numbers 1288 thru 1299; highway aid: none.

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

### **APPROVAL OF PAYROLL REGISTER**

F. Arbogast moved to approve the August 13 and 27 payroll registers.

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

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

#### **Eitzert Farms Reduction in Letter of Credit**

The developer asked for a reduction in the letter of credit for Phase 1 (per the phasing Agreement between the Borough and the Developer) in the amount of \$748,117.59 leaving a balance of \$590,391.98. However, work has been done on improvements for Phases 2 and 3, which have not been bonded. The majority of the improvements are installed. Eng. Lipinski recommended retaining the surety in the current amount and possibly updating or reducing it next month, after the completed improvements are inspected and compared with all improvements to be done in all three Phases. Charles Nass withdrew the request for a reduction at this time.

95 East Forrest Avenue

Eric Johnston and owner John Davis met with the Subdivision Committee last week to inquire if this parcel could be graded and developed in a fashion similar to the combination of 95 and 99 East Forrest Avenue as planned in April (Aldi's) since that plan will not be proceeding. The Zoning Hearing Board denial for Autozone under the Wellhead Protection Ordinance was also discussed, and the developer was told that it must apply again for a hearing and attempt to address all deficiencies noted in the prior Decision of denial and achieve approval. Consistent with the thoughts of the Subdivision Committee, it was the consensus of Council that a plan for AutoZone very similar to the Preliminary Grading Plan approval given on April 24, with fill in the rear and a retaining wall, should be acceptable. The fill would taper down to the east. It was requested that they come back for a review and approval of a Grading Plan before the planning gets too far in the review process.

### **Codes Enforcement**

There were seven permits issued in August. S. Walters advised that if a tree starts to lean against power or other utility lines, it is the responsibility of the property owner. It was suggested that this be an item in an upcoming newsletter.

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

Two new officers were sworn in recently, a chief administrative officer was appointed for the pension plan audit, and school resource officers are in place. The PPU formula was discussed and in order to get a three-year average, the first half of 2018 will be doubled to get a better idea of hours. Officer Storeman was injured again and was offered a medical retirement. The policy for compensation was extended and he may come back part-time to assist in the office. New Freedom Borough offered a five-year lease and the Commission may come back suggesting some different terms. The ideal location for the station would be in Shrewsbury. S. Walters and F. Arbogast are on the Committee to help find a location.

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

#### **Sewer Capacity Study**

Eng. Lipinski will have the final draft completed just prior to the September 26 Authority meeting.

#### **Sewer Meter**

The portable sewer meter located behind the Case and Keg recorded 1.2 MGD water in the pipe during the August 31 rain event.

#### **Future Sewer Capacity Meeting**

The first meeting with property and business owners was held last evening and was well attended. The next meeting will be in about three months.

#### Exit 4 PennDOT Sewer Relocation

T. Nadobny has signed the necessary PennDOT forms for the sewer line relocation. It was discussed whether the pipe size should be increased and after discussion, it was decided to leave it at ten inches.

#### **Public Roads & Lighting** – M. Sharkey

##### Extra Driver Snow Plow Bids

One bid was received: Aquatic Resource Restoration at the rate of \$130.00 per hour.

S. Walters moved to award the bid to Aquatic Resource Restoration at the rate of \$130.00 per hour.

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

The Solicitor will prepare the related Agreement for the services.

##### North Main Street Curb Replacement

There were no complaints received about the drainage on North Main Street in the area where the new curbing was installed.

##### Traffic Calming

A meeting was held on August 27 where different plans were reviewed. The next meeting will be on October 15 at 7:00 p.m.

##### Exit 4 Project Aesthetics Concept Meeting

S. Mayoryk moved that a letter be provided that the Borough is interested in participating in the beautification area at Exit 4.

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

The Borough will contribute to certain maintenance of the welcome area along with the Southern York County Rotary, New Freedom Lions, and the New Freedom VFW.

##### 2018 Road Projects

Recon and Kinsley Construction will replace the blacktop on Onion Boulevard and Hill Street starting the week of September 24.

**Public Lands, Buildings and Finance** – F. Arbogast

**ENGINEER'S REPORT**

Apple Tree Court

The developer asked for a reduction in the escrow account. There is one vacant lot remaining. Eng. Lipinski recommends holding \$11,515.77 for any damage due to the development of the remaining lot and holding \$7,700.15 for the required 15% maintenance requirement. The escrow amount is \$51,334.33 and the reduction will be in the amount of \$31,334.33 leaving a balance of approximately \$20,000.00. Sol. Rehmeyer will prepare an agreement to address the surety requirements and to include road maintenance of the Greenview Drive this winter with the developer paying the Borough what it would have received for liquid fuels funds. The street may be adopted next month, but too late to meet the deadline for liquid fuels funds.

S. Walters moved to authorize Sol. Rehmeyer to advertise for the adoption of a portion of Greenview Drive and to develop a surety agreement.

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

Eitzert Farms Additional Street Light

Eng. Lipinski stated an additional street light may be necessary where the existing stub of West Church Avenue ties into the extension into the new development.

Meadow Well Permit

Eng. Lipinski spoke with the U.S. Fish & Wildlife Service for a status update on September 11. They are down to one biologist and have started to look at our request; it's unknown when they will finish the review and issue a letter. He will follow-up next month if a letter is not received prior to the October Council meeting.

Exit 4 Traffic Signal Plans

The project engineer is requesting the Borough sign an application for the traffic signal at Route 851 and Mount Airy Road and Route 851 at the I-83 ramps. Eng. Lipinski's concern is the timing which should be evaluated after the project is complete. The signing of the two applications was taken under Solicitor's report.

## SOLICITOR'S REPORT

### Resolution #2018-9 and #2018-10 Traffic Signals

The resolutions Authorize the Vice President to sign the application for traffic signal approval to PennDOT for the Route 851/Mount Airy Road signal and for the Route 851 and I-83 ramps.

S. Walters moved to adopt Resolutions #2018-9 and #2018-10 for the two traffic signals.  
S. Mayoryk seconded. The motion carried with all voting in favor.

The applications were signed.

### Resolution #2018-8 Supporting the York Adams Tax Bureau

F. Arbogast moved to adopt Resolution #2018-8 in support of maintaining the collection of earned income tax at the County level.  
S. Walters seconded. The motion carried with all voting in favor.

### Kennel Issues

A draft amendment to the Zoning Ordinance was submitted last month for review.

F. Arbogast moved to authorize Sol. Rehmeyer to proceed with sending the proposed amendment to the York County Planning Commission for comments.  
K. Wills seconded. The motion carried with all voting in favor.

### Solicitation Ordinance Clarification

S. Walters moved that the solicitation ordinance be amended to revise the definition of soliciting to include the selling and buying of anything of value.  
S. Mayoryk seconded. The motion carried with all voting in favor.

### Refuse Bid Specifications

S. Walters moved that the specifications for refuse bids be advertised.  
D. Kraatz seconded. The motion carried with all voting in favor.

### Heathcote Glen Water Line

There is a problem with a water line not being in the right-of-way on Hastings Way. A meeting is set for this Friday morning to try to resolve the issue.

Volunteer Service Credit Program

A copy of Shrewsbury Township's ordinance and resolution creating the program were received and the Borough is interested in this as well giving volunteer firefighters and emergency service providers up to a \$500.00 earned income tax credit.

K. Wills moved to authorize Sol. Rehmeyer to prepare an ordinance and resolution based on the same format and point schedule as Shrewsbury Township for consideration next month.

S. Walters seconded. The motion carried with all voting in favor with F. Arbogast abstaining due to a conflict of interest.

Fireworks

Since the State law regulates Class C fireworks, a review of our nuisance ordinance might be useful to impose some time restrictions with regard to setting off fireworks. An analysis will be undertaken.

Water Meter Replacement Project

There are nine water customers on Covington Drive and Eastwood Drive that have not called to schedule their meter changeout: 58, 62, 91, 106 and 108 Covington Drive and 3, 20, 21 and 22 Eastwood Drive. Supt. Sweitzer asked for assistance in getting the property owners to respond. The Solicitor will prepare demand letters.

**Public Safety, Welfare and Personnel** – F. Arbogast2019 Pension Minimum Municipal Obligation

F. Arbogast moved to approve the 2019 pension minimum municipal obligation of \$48,512.00.

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

Flood Damage Reporting

S. Walters stated that residents could report flood damage through the County EMA office and if they need help with clean-up to call 211.

**Secretary's Report** – C. Bosley

The next York County Boroughs Assn. meeting is on September 27 in Wellsville.

Budget Meetings

The budget meetings are October 2, October 9, October 23, November 13, and December 4 at 7:00 p.m.

**York Adams Tax Bureau** – M. Sharkey

## **UNFINISHED BUSINESS**

### **Sidewalks**

The Committee will do another walk around and send a letter to those in violation and then begin the grant process.

### **Junior Council Program**

Matthew Sharkey and Mateo Vega presented the proposed outline for the Junior Council Program.

K. Wills moved to approve the program in general/concept.

S. Mayoryk seconded. The motion carried with all voting in favor except S. Walters who was opposed until clarification that the vote was to approve the concept.

The next step is to finalize the plan. Matthew was asked to revise the outline to create a document consistent with comments at the meeting (participants should be from Shrewsbury Borough, the number of participants should be less than four), which document could be approved at the next meeting. In the meantime, candidates under the Junior Council Program could be sought and made ready for presentation to Borough Council for approval.

### **Issue Control Sheet**

The list was reviewed.

## **NEW BUSINESS**

### **COMMUNICATIONS**

A letter was sent by a resident at 120 West Forrest Avenue in response to a complaint being filed that an illegal daycare was being operated at 122 West Forrest Avenue. The number of children being babysat does not meet the number of children to be regulated or inspected by the State and is not considered to be a day care business.

### **Executive Session**



An executive session was called at 10:04 p.m. to discuss litigation.  
The meeting was reconvened at 10:15 p.m.

**ADJOURNMENT**

S. Walters moved to adjourn the meeting at 10:15 p.m.  
K. Wills seconded. The motion carried with all voting in favor.

Submitted by Cindy L. Bosley, Sec.