

## MINUTES

### SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

December 10, 2014

PRESENT: Mayor Peter W. Schnabel, Fred W. Arbogast, Richard R. Buchanan, Carl W. Munch, Michael W. Ridgely, Christopher M. Skoglund, and Eric W. Stoley

#### OTHERS

PRESENT: Brian L. Sweitzer, Supt. of Public Works; Jeffrey L. Rehmeyer, II, Esq.; David Lipinski, P.E.; Fire Chief Tony Myers; Larry Zimmerman; Nate Kirschman; Stan Walters; Kent Raffensberger, P.E.; Keith Hunnings of South Penn Code Consultants; John Davis; Judy Kroh; interested citizens; Nick Caruccio, President of Fire Company; Stacey MacNeal, Esq.; John Davis; Phil Robinson; Byron Wilson

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

#### APPROVAL OF MINUTES

The minutes of the November 12 meeting were approved by unanimous consent.

#### APPROVAL OF EXPENDITURES AND REPORT OF ACCOUNTS

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

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

#### BILL LIST

The bill list for November was presented: General account: check numbers 12521 thru 12559; Water account: check numbers 5270 thru 5283; Sewer account: check numbers 4905 thru 4923; Highway Aid account: none.

- C. Skoglund moved to approve the bill list for November, 2014.  
 F. Arbogast seconded. The motion carried with all in favor.

### **APPROVAL OF PAYROLL REGISTER**

- C. Skoglund moved to approve the November 10 and 24 payroll registers.  
 E. Stoley seconded. The motion carried with all in favor.

### **SUBDIVISION & LAND DEVELOPMENT**

#### **Heathcote Glen II Bond Reduction**

Eng. Lipinski concurs and recommends the bond can be reduced from \$48,252.60 to a new amount of \$30,168.60.

- E. Stoley moved to reduce the bond for Heathcote Glen II to a new amount of \$30,168.60.  
 R. Buchanan seconded. The motion carried with all in favor.

#### **AutoZone Driveway/Grading, 95 East Forrest Avenue**

Three months ago, Daniel Thornton, P.E., of TRG, was present with a proposed driveway HOP plan. The applicant was asked to move the driveway further to the west so the left-turn lane would not be shortened as much. The sides of the lot nearest Route 851 would be even with the adjoining property owners and then a retaining wall would start about half way back with a four to five foot retaining wall all the way across in the rear of the proposed building area. The applicant was told on more than one occasion that the prior grading plan showing the maximum changes of six feet was all the further it could go. The proposed Autozone store is now the parcel on the left with a lower-impact, smaller store proposed for the parcel on the right, to the east. That store would use a minimum use driveway across the lot on the left. Autozone requires a certain footprint for each store and the applicant was asked why it pursued this parcel given the physical circumstances (slope of the lot and turning lane) and zoning requirements.

Last month, it was stated that Council does not want a right turn only. Council also felt that if this parcel is allowed a grade increase, the lot next door could ask for the same relief. The applicant stated that the lot cannot be used effectively without raising the grade.

The applicant was asked to work with the Borough's engineer and come back with a plan making the grade as low as it can and increasing the driveway grade and decreasing the wall. Residents on Westview Drive up to Kelly Drive along with the adjoining business neighbors were invited to the meeting.

Atty. Stacey MacNeal stated that due to the lot being below the roadway grade, six feet of fill was added and it is still below the roadway depth. The applicant's engineer has redone the grading plan and the driveway is at a 13% slope, which they feel is the maximum height for safe access. There will be a small retaining wall at the rear corner of three feet and the rear wall is now at five feet. The rear wall will be 60 feet from the back property line. The proposed building will be just under 20 feet high. Fast growing evergreen trees will be planted to shield the building from previously developed residential properties to the north, possibly Australian Pine. They are proposing a note on the plan giving notice that lot 2 must go through the land development process and that if the amount of traffic exceeds that contemplated by the current study, then another study must be performed and approved by the Borough. It was discussed that a note also be added that lot 2 cannot be regraded again as it also includes the six feet of added fill. The applicant was reminded that when the existing six feet grading plan was approved, applicant's representatives were told no more grading would be approved and that developers can't keep creating situations where Council needs to be asked to correct problems created by developers. With the exception of the Wendy's restaurant at 71 E. Forrest Avenue, all other lots along East Forrest Avenue were developed with the existing topography. Resident John Lepore, 120 Westview Drive, asked about the height of the trees to be planted, lighting and property values. Resident Fred Krause, of 106 Westview Drive, was concerned about the building, tire changing, noise, and hours. At this point, Atty. MacNeal asked that she have a caucus with her clients. Discussion continued later.

### **Codes Enforcement** – Keith Hunnings

Six permits were issued in November.

### **Southern Regional Police Department** – R. Buchanan

Buck stated the Commission made a conditional offer of employment for one of the officers to be hired and there is a need to fill the second position. The Department now has a taser for each officer. The budget is finished except for liability insurance numbers.

### **AutoZone Grading Plan Continued**

Atty. MacNeal stated her client is willing to add a note to the plan that no further fill will be added to lot 2 and that they will be withdrawing the existing land development plan and submit a new plan. R. Buchanan asked about whether the pond was made deeper per the Zoning Hearing Board decision. The applicant was also reminded to be careful with the lighting on the plan. It was noted that the prior decision of the Zoning Hearing Board relative to wellhead protection issues must be resolved favorably.

E. Stoley moved to approve the revised submitted grading plan contingent on a note being added that there will not be any further grading/fill to lot 2; a note that advises the developer of lot 2 must address traffic flow that will use the access on lot 1 and that if the flows exceed the existing study, a new study must be done and approved by the Borough; if any additional dirt will be brought in that it meet the DEP requirements for clean fill and match the existing soil, tested and approved by Eng. Lipinski before it is brought in; the buffer trees to be planted at the maximum height available; and no right of approval exists in the revised grading plan approval relative to the Zoning Hearing Board's decision denying approval under the Wellhead Protection Ordinance, which decision still requires complete resolution under terms acceptable to the Board and Borough. R. Buchanan seconded. The motion carried with one opposition, E. Stoley.

## **Water & Sewer** – R. Buchanan

### **Sewer Rate Increase**

The sewer rates were decreased too much two years ago and in order to complete some projects that will include the wet well at the Deer Creek pump station, the amount of \$150,000.00 needs to be raised. The residential flat rate will increase from \$40.00 to \$45.00 and the commercial/industrial flat rate will increase from \$60.00 to \$70.00.

### **Tolna Junction Sewer Line Replacement**

The sewer line replacement at Windy Hill Road and Tolna Junction Lane began on October 6 and developed many obstacles. After the project started, Omega Rail Management became involved and stated that under the License Agreement, certain procedures should have been followed. James R. Holley & Associates completed the application required under the license agreement. The work is finished but there were change orders totaling \$37,000.00 which were disputed and are now \$26,785.00. The base bid amount was \$51,400.00 (\$76,060.00). The Borough's share is 2.6% of \$71,660.00 or \$1,863.16.

R. Buchanan moved to pay the amount of \$1,863.16 to DeTraglia Excavating for the Borough's share.

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

### AMP Water Tank Inspection

When the inspectors arrived, there was too much ice in the tank and they didn't feel comfortable doing the full inspection, inside and out, so it will be done next year at the same price.

### Gunpowder Falls Brewery

The brewery's sample results were not compliant with regards to pH, copper and zinc. The Municipal Authority will discuss this at the January meeting.

### Deer Creek Pump Seal Issue

The Public Works Department developed a problem with the sewer pump seal at the Deer Creek sewer pump station. The pump seal was stuck together like an adhesive was dumped into the system. The problem seems to have gone away but the Department is still flushing the seal with fresh water.

### Meter Change Out Program

The supplier is not exchanging the inside workings of the meters any longer and the new meter has plastic parts. Old metal meters will be recycled with the funds being turned into the Borough to be deposited toward purchase of other meters.

### Susquehanna River Basin Commission Letter

The Commission has sent a letter offering technical and financial assistance in re-permitting wells.

### **Public Roads & Lighting** – Eric W. Stoley

#### Speed Limit Signs

Speed limit signs were placed on Holiday Drive, Cassidy Drive, and Sundance Court.

#### Kreeger Avenue Tree Trimming

The resident will not allow the tree to be trimmed in order to gain access to clear the alley for snow removal. The alley cannot be closed as the property owner at 21 North Main Street has a right-of-way across the property at 17 – 19 North Main Street into the alley.

The Secretary was asked to send a letter that the tree either be trimmed by the Public Works Department or the property owner may have it trimmed.

### Road Salt Supply

We are being told that there will more than likely be a salt shortage this winter. We have received two loads already.

## **Public Lands, Buildings and Finance** – Christopher M. Skoglund

### Defined Benefit Policy

- C. Skoglund moved to adopt the defined benefit policy.
- C. Munch seconded. The motion carried with all in favor.

### Preliminary 2015 Budget

- C. Skoglund moved to adopt the preliminary 2015 budget.
  - E. Stoley seconded. The motion carried with all in favor.
- The budget includes a .42 millage rate fire tax.

### New Repeater Radio

The 20 year-old radio failed last week. A replacement has been secured for \$2,100.00.

- C. Skoglund moved to approve payment in the amount of \$2,100.00 for the new repeater.
- F. Arbogast seconded. The motion carried with all in favor.

## **ENGINEER'S REPORT**

### Johnson Controls

The company is moving forward as they want to break ground by the end of the year. The NPDES permit was submitted to DEP and there are over 90 comments.

## **SOLICITOR'S REPORT**

### Year-end Ordinances

Sol. Rehmeier prepared the year-end tax ordinances for adoption on December 29. He will also prepare a resolution to increase the sewer rates.

### Dangerous Trees and Buildings

Model ordinances were supplied last month.

### Deputy Tax Collector

Tax collector, Judy Kroh, stated that under Act 164 she must appoint a deputy by January 26. Sol. Rehmeier will research the Act to see if another tax collector could be appointed.

### **Public Safety, Welfare and Personnel** – Fred W. Arbogast

#### Appointment of Second Deputy EMA

F. Arbogast moved to appoint Byron Wilson of 76 Messina Court as the second deputy for EMA.

R. Buchanan and E. Stoley seconded. The motion carried with all in favor.

#### Appointment of Security Officer for EMA

F. Arbogast moved to appoint Mike (Dick) Caum of Virginia Avenue as the EMA's security officer.

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

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

The Secretary reminded all of the December 29 year-end meeting. E. Stoley and C. Skoglund will not be in attendance but will be available via cell phone if necessary for a quorum.

### **York Adams Tax Bureau** –

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

The final Apple Tree Court plan and the Thompson minor subdivision plan will be in front of Council in January.

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

Exit 4

Pres. Ridgely stated that representative elect Kristin Phillips-Hill stated that she and Sen. Wagner will work together in making worth-while improvements to the exit. Also, Mayor Smith of Stewartstown Borough will be on the citizen's committee.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Issue Control Sheet

The sheet was updated accordingly.

**COMMUNICATIONS**

**ADJOURNMENT**

E. Stoley moved to adjourn the meeting at 9:44 p.m.

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

Submitted by Cindy L. Bosley, Sec.