

MINUTES

SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

OCTOBER 14, 2009

PRESENT: Richard R. Buchanan, Thomas D. Metz, Carl Munch, Michael W. Ridgely, Peter W. Schnabel, and Eric W. Stoley

OTHERS

PRESENT: Jeffrey L. Rehmeyer, II, Esq.; James R. Holley, P.E.; Brian L. Sweitzer; E. Michael Lee of Codes Enforcement; Matthew Allen of Bohler Engineering; Jason Mitchell of J.C. Barr – CVS; Keith Wills; Joe Sacco; Dan Smith; Jim Everett; numerous citizens who did not speak regarding amending the wellhead protection ordinance

The regular meeting of the Borough Council convened at 7:31 p.m. in the Borough Municipal Building, 35 West Railroad Avenue, with President Schnabel presiding.

INTRODUCTION OF NEW COUNCIL MEMBER

Based upon the recommendation of Christopher Skoglund, Vacancy Chairman, Carl Munch was introduced as the new Councilman replacing Michael Caum. Mr. Munch was administered the oath of office prior to the meeting.

DISCUSSION ON WHETHER TO AMEND THE WELLHEAD PROTECTION ORDINANCE TO ALLOW NON-CONFORMITIES TO EXPAND (Rutter's at 249 North Main Street)

Discussion was moved up on the agenda to accommodate the large number of residents in the audience.

The Wellhead Protection Committee felt Rutter's did not present enough of a change in technology to warrant amending the wellhead protection ordinance to allow for an expansion. Rutter's had written in 2004 that the two tanks were double-walled tanks. Upon research and matching up serial numbers, the tanks that were installed in 1994 are single-walled tanks. B. Sweitzer doubts if this information would change the recommendation of the Wellhead Protection Committee. The existing piping is double-walled.

Brian Sweitzer, Chairman of the Wellhead Protection Committee, feels the existing single-walled tanks are a big risk but doesn't feel this should be a reason to allow Rutter's to expand and add two additional tanks. He feels tests should be more stringent and frequent and then require tank replacement if not up to standard. DEP only requires testing of the tanks every three years.

Dan Smith of Smith Brothers Garage, 238 North Main Street, was asked about the tanks at their garage and the response was their tanks are single-walled as well.

E. Stoley stated based on the ordinance, any change in technology must make it a non-polluting source which does not apply to gas stations. The 2009 technology submitted by Rutter's is not sufficient to change the ordinance and it's a matter of time before the tanks will be replaced, single-walled to double-walled. They already have a tank monitoring system and the majority of the leaks come from the piping and not the tanks, according to the tank company representative who spoke at the Wellhead Protection Committee meeting.

E. Stoley moved to accept the Wellhead Protection Committee's recommendation to not amend the ordinance.

Discussion continued.

Sol. Rehmeyer stated the ordinance would not be changed to allow any expansion of Rutter's as a non-conforming use under the ordinance.

Sol. Rehmeyer stated he would like to work with B. Sweitzer and the geologist to enhance the protection of the ordinance looking at issues of inspections and add that something in place before the ordinance was adopted would have to change out the tanks if problems were found with the tanks based on inspections. They would be force to upgrade anyway. The goal is to make the ordinance better; it wouldn't allow for expansion, but to better protect the water system. Sol. Rehmeyer was asked to check the State law.

E. Stoley moved to accept the recommendation of the Wellhead Protection Committee to not change the ordinance to allow expansion of a non-conforming use.

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

E. Stoley further moved to authorize Sol. Rehmeyer to research the issues and to strengthen the ordinance to ensure adequate protection of our water system by the non-conforming uses in the Zones.

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

Terry Dunlap, of Brook Meadow Circle, stated there is a possible loophole that may allow expansion by a reverse subdivision and this strengthening of the ordinance would impact all four gas stations in the Borough. Any subdivision would have to follow the Subdivision and Land Development Ordinance.

Joe Sacco, of Brook Meadow Circle, stated Rutter's gave conflicting reports regarding the tanks.

Jim Everett, of North Main Street, asked about the past contamination involving the gas station at the square. B. Sweitzer responded that periodically, the Borough receives notification from DEP regarding the progress and status of each contaminated site.

Keith Wills of Tree Hollow Drive and a member of the Planning Commission, asked if the inconsistencies in the wellhead protection ordinance exhibit were clarified.

CITIZEN'S COMMENTS

APPROVAL OF MINUTES

T. Metz moved to approve the minutes of the September 9 meeting.
E. Stoley seconded. The motion carried with all in favor.

APPROVAL OF EXPENDITURES AND REPORT OF ACCOUNTS

M. Ridgely stated the general fund is on target but he is concerned about the water rate structure not performing as planned. There will need to be a water rate increase for catch-up and for future water line work.

M. Ridgely moved to approve the expenditures and report of accounts for July and August.
E. Stoley seconded. The motion carried with all in favor.

The Secretary was asked to write to New Freedom Borough to make sure the operating cost given for the 2010 budget is a good figure to use.

BILL LIST

The bill list for September was presented. General account: check numbers 9695 thru 9729; Water account: check numbers 4246 thru 4253; Sewer account: check numbers 4086 thru 4095; Highway Aid account: check numbers 785 and 786.

M. Ridgely moved to approve the September bill list.

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

APPROVAL OF PAYROLL REGISTER

M. Ridgely moved to approve the September 8 and 22 payroll registers.

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

SUBDIVISION AND LAND DEVELOPMENT BUSINESS**CVS Store, corner of South Main Street and Constitution Avenue**

The final plan had been previously approved, but not signed. Two items that need to be completed yet are the bonding being secured and the highway occupancy permit being received in the new owner's name.

The plan will be signed after the meeting.

Southern Regional Police Department – Richard R. Buchanan

Buck reported the population is growing faster in New Freedom Borough but we have the highest demand for services which will impact our 2010 budget. The Police Commission is still in contract negotiations with the union.

Codes Enforcement – E.. Michael Lee**15 South Main Street Building Permit**

Mike reported the owner is doing major changes involving the heating system without a permit. The contractor is to obtain the permit tomorrow.

30 Woodland Drive Geothermal System Request

B. Sweitzer stated 30 Woodland Drive is just outside Zone 3 of the wellhead protection overlay. The existing ordinance that prohibits the drilling of wells is prohibiting the installation of the system at this time. The geologist believes the vertical bores would not harm the aquifers in zones 2 or 3. B. Sweitzer is not recommending the vertical bores be allowed in any of the zones. The closed-loop systems with food-grade glycol would have less potential impact on the groundwater system. The horizontal system could be allowed in all three zones. The existing ordinance needs to be amended and until that time, the home owner will not be able to get a permit. Sol. Rehmeyer was asked to draft an ordinance for Council for next month. Mike Lee was instructed to not issue a permit until the ordinance is amended to allow an installation.

M. Ridgely moved that Codes Enforcement not issue a permit for the geothermal well system at this time as drilling wells is prohibited under an old ordinance.

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

E. Stoley moved that Sol. Rehmeyer be authorized to proceed with drafting an amendment to the ordinance addressing the ability to install geothermal systems in keeping with the wellhead protection zones.

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

1270 East Tolna Road Sewer Connection

The property was connected to our sewer system in March. Prior to the sewer connection, the property was vacant and vandals stole most of the water piping from the house. The customer was billed for sewer charges for the second and third quarter and they are disputing the bills. They are requesting to not receive a bill until the plumbing is installed and an inside inspection on the plumbing is conducted.

T. Metz stated the Shaub craft house on West Railroad Avenue was put on hold recently.

R. Buchanan moved to approve waiving the bills for the second and third quarter and to not bill until the piping and inspections are done. However, the matter will be reviewed in six months to check on the status of the property.

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

New Well Exploration

Taylor Geoservices met with B. Sweitzer and in the next few months, the company will study locations for a new well. The cost will be \$5,700.00. After the geologist is finished, we can evaluate the proposed sites to determine which is the best site possible.

Public Roads & Lighting - Eric W. Stoley

Snow Plow Bids

One bid was received for snow plowing:

ARRC in the amount of \$100.00 per hour including truck.

E. Stoley moved to award the bid to ARRC for \$100.00 per hour.

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

Northbrook Lane

The "25 MPH" thermoplastic was installed on the roadway.

Public Lands & Buildings and Finance – Michael W. Ridgely

Budget Meeting

The first budget meeting went very well and a lot was accomplished. M. Ridgely said he and R. Buchanan will need to meet. The next meeting is next Wednesday at 7:00 p.m.

Eagle Scout Project at Pavilion

Boy Scout Lawrence Kroner has power washed the pavilion for the painting project.

Pavilion Rainspout

A quote for rain spouting at the pavilion at the playground is \$1,868.00. The spouting will eliminate the problem of rainwater splashing and rotting the wood.

B. Sweitzer was authorized to have the rainspouting installed. This will be payable from the Playground PLGIT fund.

ENGINEER'S REPORT

Tolna Road Bridge Replacement

Eng. Holley reported a delay in plan approval by PennDOT occurred as PennDOT requires 24" x 34" size sheets so the drawings had to be reconfigured. The bridge work will be bid next spring.

SOLICITOR'S REPORT

Weed Ordinance

T. Metz moved to adopt Ordinance #2009-2 to regulate the growth of weeds, grass or similar vegetation to a limit of six inches with only one notification per growing season being given.

M. Ridgely seconded. Roll call vote:

Buchanan	yes, in favor
Munch	yes, in favor
Metz	yes, in favor
Ridgely	yes, in favor
Stoley	yes, in favor
Schnabel	yes, in favor

The Secretary was asked to place the information in the next newsletter and again in the spring and to post the information on the website.

Public Safety, Welfare and Personnel – Thomas D. Metz**Hemler, ACS 2010 Contract**

T. Metz moved to approve the 2010 contract with Hemler, ACS for animal control services that has no increases from the 2009 contract.

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

Sidewalks

Grant funds are next to impossible to obtain. Correspondence will be sent to the worst offenders asking each homeowner to do the work themselves in accordance with our specifications. The property owners should repair their sidewalk since they are liable for the safety of pedestrians using them.

Secretary's Report – Cindy L. Bosley**Retirement Social for Sgt. Chris Geary**

An invitation was received for a retirement social for Sgt. Geary on October 19. P. Schnabel and M. Ridgely will attend.

York Area Tax Bureau – Thomas D. Metz

No report at this time.

Subdivision, Land Development and Zoning – Eric W. Stoley**Third Alternate for the Zoning Hearing Board**

An additional alternate could have been seated at a recent hearing as only two members were able to sit.

The second applicant for the recent Planning Commission vacancy will be asked if he is interested in serving in that capacity.

Planning Commission/Regional Planning Commission – Eric W. Stoley

Regional Comprehensive Plan

The Committee will meet on Sunday evening to go over comments. One concern is the Township states they do not think they should be part of a regional police force and E. Stoley may include a comment that municipalities who rely on State Police coverage should pay an increased fee. The second concern is the sewer chart included in the plan that needs to be amended or taken out.

Possible joint meeting dates to be submitted to the County will be November 17, 19 or 24.

UNFINISHED BUSINESS

By-Laws and Rules of Order

The By-Laws and Rules of Order of Borough Council were revised to reflect the current agenda that is followed.

E. Stoley moved to adopt the amended By-Laws and Rules of Order.
R. Buchanan seconded. The motion carried with all in favor.

NEW BUSINESS

Trick or Treat Night

E. Stoley moved to set Trick or Treat night as Saturday, October 31 from 6:00 to 8:00 p.m.
M. Ridgely seconded. The motion carried with all in favor.

COMMUNICATIONS

Sprinkler System Requirements

A letter was received from the fire chief that two instances have occurred where the sprinkler systems in commercial buildings were disconnected or removed and that perhaps an annual inspection should occur.

Sol. Rehmeyer was asked to find a sample ordinance for review that may include a cost for inspection.

Fire Police Response

A letter was received from the York County Fire Police Association alerting municipalities about certain requirements for fire police personnel.

A copy will be given to Fire Chief Myers for comment.

Executive Session

An executive session was called at 9:04 p.m. to discuss a recent Zoning Hearing Board decision.

The meeting was reconvened at 9:10 p.m.

ADJOURNMENT

C. Munch moved to adjourn the meeting at 9:10 p.m.

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

Submitted by,
Cindy L. Bosley, Sec.