

MINUTES

SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

April 9, 2014

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

OTHERS

PRESENT: Jeffrey L. Rehmeyer, II, Esq.; David Lipinski, P.E.; Brian L. Sweitzer, Supt. of Public Works; Keith Hunnings; Nick Caruccio, President Shrewsbury Vol. Fire Company; Larry Zimmerman; Stan Walter, EMA; John Davey; Phil Robinson; Jon Juffe

The regular meeting of the Borough Council convened at 7:01 p.m. in the Borough municipal building, 35 West Railroad Avenue, with Vice President Buchanan presiding.

CITIZEN'S COMMENTS

John Davey of Track and Trails, stated that due to liability issues, he will be donating an adult street-legal scooter to the fire company. He will work directly with the fire company on the donation.

Nick Caruccio, President of the Shrewsbury Vol. Fire Company, asked if the annual donation could be split like last year with the fire company receiving part of it now and the balance in June.

M. Sharkey moved to expedite the amount of \$15,000.00 to be paid to the fire company now and the balance of the budgeted donation in June.

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

Nick stated a member would like to start his own business of selling pit beef once a week with his trailer being located on the fire company's lot with part of the proceeds being donated to the fire company. There would be no extra tables or chairs for the business but patrons could use the tables at the bingo stand. The gentleman would have access to the fire hall for hand washing. This use will be licensed by the State and there is plenty of parking. Keith issued a permit for a home occupation in order for the gentleman to park his trailer at his residence so the Department of Agriculture knows where to contact him in the event of a problem. Keith will issue a temporary use certificate outlining the conditions which can be revoked if there's an issue.

APPROVAL OF MINUTES

The minutes of the March 12 meeting were approved by mutual consent by those who were at that meeting.

APPROVAL OF EXPENDITURES AND REPORT OF ACCOUNTS

C. Skoglund moved to approve the expenditures and report of accounts for March.

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

C. Skoglund submitted an expenditures and report of accounts for the Municipal Authority to show its activity.

BILL LIST

The bill list for February was presented: General account: check numbers 12129 thru 12180; Water account: check numbers 5129 thru 5151; Sewer account: check numbers 4786 thru 4795; Highway Aid account: check numbers: 886 thru 888.

C. Skoglund moved to approve the bill list for March, 2014.

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

APPROVAL OF PAYROLL REGISTER

C. Skoglund moved to approve the March 3, 17, and 31 payroll registers.

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

SUBDIVISION & LAND DEVELOPMENT

Heathcote Glen II, Phase III

There are eight lots in the Township with a corner of one lot being in the Borough. Phil stated that at both staff reviews, it was suggested that the eight new homes be provided with Borough water if that is possible since there were potable wells to the north of this development that were closed due to being in a wellhead protection zone. Sol. Rehmeyer will send a letter to the PUC asking if it is possible to serve these lots with Borough water with the connection being at the corner of the lot that's in the Borough with the bill going to the Homeowner's Association. Even if the PUC approves the request, it is not a guarantee that public water will be served to those lots. Phil indicated that if public water

could be provided to the lots, at a location within the Borough to then be provided via a homeowners' association, then the developer would utilize such public water rather than drilling wells. The Committee will meet after the response is received from the PUC. Phil stated that if the Township does not sell him eight sewer EDUs at the price they had set a year or two ago, he will use eight of the reserve EDUs he purchased for Chestnut Commerce. He will find out at the next supervisor's meeting.

C. Munch entered the meeting at 7:42 p.m.

E. Stoley moved to approve the final subdivision plan for Heathcote Glen II, Phase III contingent upon the following conditions:

- 1) The statement of ownership must be signed, dated, and notarized.
- 2) Certification, with signature, seal and date by the registered professional surveyor responsible for preparing the survey.
- 3) Certification that the Planning Module for Land Development and/or any required waivers have been approved by the PA DEP.
- 4) Proof of ownership of sewer EDUs.
- 5) Payment of all fees associated to the plan submittal; fees need to be paid before plan is recorded.
- 6) Properly cap the sewer cleanout of Lot #6 Heathcote Glen that was used by the Calhoun Road property. Remove piping as agreed when original connection was made.

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

Covington Ridge III/Miller Property, 412 North Main Street, Sketch Plan

Jon Juffe was present to ask for the following waivers: Section 505(f) requiring a maximum length of cul-de-sac street of 500' and the developer is proposing a cul-de-sac street length of 1,300'; Section 505(f) requiring a cul-de-sac diameter of 100' and legal right-of-way of 120'. Developer is proposing 80' and 100' respectively; Section 506(e) requiring offset distance to the nearest intersection of 800' and the developer is proposing 500'; Section 303 the developer wants to proposed to file a preliminary/final plan rather than follow the standard procedure of preliminary approval and then final approval; Section 603 sidewalks. Jon stated that since the Covington Ridge III plan was approved years ago (S & A Homes), he felt the process could be sped along by eliminating the preliminary plan step. That plan showed the entrance off of Valley Road crossing the stream and moving the gas line. The letter requesting the waivers did not cite any bases for them, as required by the Municipalities Planning Code and the Borough Subdivision and Land Development Ordinance, but rather, the letter referenced the grant of the same or similar waivers for a previously approved plan for the same property. The sketch plan was reviewed by staff and the Planning Commission under Section 302 of the Subdivision and Land Development Ordinance. Jon was told that Council cannot act to

grant waivers without having before it a plan that has been formally prepared and filed (i.e., a preliminary or final plan, but not a sketch plan). Accordingly, no action was taken to grant the waivers. It was also suggested that a preliminary plan, when submitted, should show the snow removal and driveway locations.

Codes Enforcement – Keith Hunnings

Keith issued 11 permits in March and sent a notice about an early morning noise complaint to 13 South Main Street. There was a complaint about a bridge crossing at the stream on 15 Kratz Road that blocks and floods. A letter will be sent to the property owner asking if a permit was obtained for the installation and, if not, it should be removed. A complaint was received about a loud pick-up truck and a commercial truck parked along the street. Keith will speak with the individuals to ask for cooperation as to the loud noise. There is no violation as far as the commercial truck being parked along the street.

Stormwater Permit Application

Eng. Lipinski prepared a draft application and accompanying documents.

E. Stoley moved to approve the application and accompanying documents.

C. Skoglund seconded. The motion carried with all in favor.

Memorandum of Understanding with Soil Conservation District

E. Stoley moved to approve the Memorandum of Understanding with the Soil Conservation District.

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

Southern Regional Police Department – Mayor Schnabel

Mayor Schnabel highlighted the February police report that includes all members.

Water & Sewer – Richard R. Buchanan

Water Pipe Replacement Project

Supt. Sweitzer has completed the water map denoting types of pipe, age, and water leaks on the system. Hill Street should be one of the next areas done.

Forest Lakes Sewer Meters and Memorandum of Understanding with York Water

Sol. Rehmeyer stated he modified R. Buchanan's Memorandum of Understanding and sent it to The York Water Company to be reviewed.

Southern Farms Sewer Pipe Relining Project

The next phase to be done is the remaining homes on Covington Drive and Strassburg Circle, and Brandywine Drive has been added to the project. The project is ready for advertising. The Borough budgeted \$142,770.00 and the Authority budgeted \$170,410.00.

Sewer Districts

The work on the sewer districts is complete for billing breakdown for large projects using EDUs and natural flows. The existing agreement between the Borough and the Authority will need to be modified to include the Authority buying services from the Borough.

Tolna Junction Sewer Line Replacement

The sewer line at Windy Hill Road and Tolna Junction is crushed. Bid documents will be ready for the May meeting. The majority of the cost is the Municipal Authority's.

Public Roads & Lighting – Michael G. Sharkey

Street Sweeping

The street sweeper started on April 2 and, hopefully, will be finished by April 11.

Road Survey

The road survey will be conducted in May along with a five-year maintenance plan.

Public Lands, Buildings and Finance – Christopher M. Skoglund

Transfer from Sewer Operating to Capital

The amount of \$400,000.00 was transferred from the Sewer Operating fund into the Sewer Capital fund for the upcoming sewer project.

Scout House Cable

The Comcast cable line installation has been scheduled by Comcast's contractor. M. Sharkey stated he needs to investigate further the option of providing free wi-fi at the park as a public service and that it may small monthly fee. There will be parental controls in place for internet at the scout house.

ENGINEER'S REPORTMembers 1st Federal Credit Union

The final subdivision and land development plan was recorded on March 14.

95 East Forrest Avenue/AutoZone

Eng. Lipinski received the revised traffic impact study and is waiting to complete the review pending the status of the plan.

Liquidated Damages Clause in Contracts

These are damages that the parties agree to before a bid is presented and a contract is signed that keeps a project moving forward. Discussed further under Solicitor's report.

Block Grant

Applications are due June 26. Eng. Lipinski was authorized to prepare three projects for submission: water lining project for the Borough; road project on Essex Circle Drive; and submission on behalf of the Authority for more pipe lining work in Southern Farms.

SOLICITOR'S REPORT95 East Forrest Avenue AutoZone

The Zoning Hearing Board denied the special exception request and the property owner has filed an appeal. The Borough has started the process to defend the appeal and the property owner may file another application to clarify some items that were questioned in the hearing decision. Mr. Davis is suggesting a meeting be held to discuss the items of concern in the Zoning Hearing Board's decision. The current land development plan has an extension in place until July 9 and Sol. Rehmeyer suggested adjustments must be made or a new plan filed. Sol. Rehmeyer is suggesting that Supt. Sweitzer (Chairman of the Wellhead Protection Committee), Eng. Lipinski and himself meet with Mr. Davis and

other representatives of the developer, for discussion purposes only. E. Stoley and R. Buchanan stated they could be present if Mr. Davis desired them to participate. Following such discussions, the applicant could apply to the Zoning Hearing Board again rather than proceed with its appeal.

PennDOT Payment of EDUs

The second check was received, and the matter is now resolved.

Liquidated Damages

Language was provided that will be added to every bid specification document. In each instance, Council will need to approve the amount and timing for application of liquidated damages, as they must represent the reasonably anticipated damages for delay in completion of a particular project. Council discussed damages and timing for two upcoming projects. The language to be included in the Southern Farms sanitary sewer project is damages of \$500.00 per day; if delayed beyond 30 days; with a four month deadline for completion. Language for the Tolna Road project is \$350.00 per day; if delayed beyond 2 weeks; two month deadline for completion.

Snow Removal and Snow Emergency Ordinances

Draft ordinances for snow removal and snow emergencies were included in Sol. Rehmeyer's report for review.

Municipal Night at the Ballpark

Municipal night at the ballpark is May 9.

Public Safety, Welfare and Personnel – Fred W. Arbogast

Public Works Vacancy

Over 60 applications and resumes have been received.

Secretary's Report – Cindy L. Bosley

York Adams Tax Bureau – Michael G. Sharkey

The Finance Committee will meet on April 17 to discuss the pre-audit and unallocated funds distribution. The next regular meeting is at the end of the month.

Subdivision, Land Development and Zoning – Eric W. Stoley

The land development plan for the seven unit apartment complex at 21 South Hill Street will be coming to Council on May 14.

Planning Commission/Regional Planning Commission – Eric W. Stoley

YAMPO Positions

M. Sharkey stated he could volunteer to be nominated as an alternate and E. Stoley stated he could volunteer to be nominated as an Appointee.

UNFINISHED BUSINESS

NEW BUSINESS

Issue Control Sheet

The sheet was updated accordingly.

COMMUNICATIONS

ADJOURNMENT

E. Stoley moved to adjourn the meeting at 9:52 p.m.
M. Sharkey seconded. The motion carried with all in favor.

Submitted by Cindy L. Bosley, Sec.