

MINUTES

SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

MAY 14, 2003

PRESENT: Mayor James W. Reedy, Richard R. Buchanan, Salvatore A. DiPaula, Jr., Frederick C. Noble, Michael W. Ridgely, Christopher M. Skoglund and Eric W. Stoley

OTHERS

PRESENT: Jeffrey L. Rehmeyer, II, Esq.; James R. Holley, P.E.; Brian L. Sweitzer, Supt. of Public Works; Jeff Keating, Zoning Officer; Barb Krebs of The York Dispatch; Terri Reuter of The York Daily Record; Linda and Roger Cover; Patrick Kinsley, P.E.; Denise Kinard; Nate Kirschman; Ronald Baker; Fred Noll; Tom Simmons

The regular meeting of the Borough Council convened at 7:32 p.m. in the Borough Municipal Building, 35 West Railroad Avenue with Vice President Ridgely presiding.

CITIZEN'S COMMENTS

Tom Simmons of MART, developer of the new shopping center along Mt. Airy Road, was present at the request of President Schnabel to discuss the name of the new shopping center, Shrewsbury Square Shopping Center. Residents and some shop owners were concerned that the "square" intersection of Forrest Avenue and Main Street has always been known as the Square. Tom said he doesn't want any ill feelings but, in all fairness, a sign was erected at the corner of the property eight months ago announcing the name of the shopping center. He couldn't make any promises as the signage has been ordered and the tenants have been promoting based on the name of Shrewsbury Square. He was going to call the tenants and the sign company to see what he can do.

R. Buchanan stated the lights in the parking lot have been on constantly the last two days. Tom said he would investigate why the lights are on. They could be

testing the lines or the control device is not working. Also, the lights illuminate horizontally and are very bright.

Fred Noll of 200 Cardinal Drive questioned fencing at the back of his lot now that the grade is steeper at the back edge of his property. Eng. Holley responded that preliminary conversations with PennDOT indicate they are not responsible for installing a fence on the property. Tom Simmons indicated to Fred that he would be willing to meet with him at his property to look at the need for a fence and also to discuss the tree screening and to look at a possible solution. Fred also asked about jake brake restrictions. He was told the Borough checked into this a few years ago and was able to accomplish jake brake restrictions on certain roads but not State roads. He was also told that Mt. Airy Road is the truck route to Stewartstown so it's very unlikely the State would prohibit the use of jake brakes on either Mt. Airy Road or Forrest Avenue.

Tom indicated well testing will begin by the end of May.

Ron Baker of 12 Crosswind Drive was present about the speeding problem and the increase of trucks on the streets in Southern Farms now that Mt. Airy Road is a through street. He has spoken with Chief Childs about the speeding. Buck said he will call the Chief tomorrow to see what can be done.

Linda Cover of 216 North Highland Drive was present to say there is a noise nuisance at 218 North Highland Drive in that the neighbors have installed a half pipe for skateboarding. The Covers complained about the noise from the skateboarding and the camaraderie. They have spoken with the neighbors and the skateboarding stops at dark.

Sol. Rehmeyer feels the half pipe may be a structure and under Section 201.4 it could be a nuisance. An enforcement notice could be sent to the property owner which would result in a zoning hearing. Sol. Rehmeyer was asked to send the property owner a letter outlining the complaints and the future steps that will be taken.

Carol Bianca of 2 Brook Meadow Circle was also present about the half pipe and stated her concerns about the noise and liability.

Nate Kirschman stated the tower work is progressing. He presented an invoice for the license coordination for the EOC radio frequencies in the amount of \$1,470.00.

R. Buchanan moved to pay the amount of \$1,470.00 for the license coordination.
E. Stoley seconded. The motion carried with all in favor.

Roy Morrison, owner of Skimeister Kennel on Kratz Road, was present at the request of Council about the proposed dog barking ordinance. He stated he is already complying with the requirements listed in the ordinance so he felt he would be exempt. He feels the ordinance will be hard to enforce as far as timing the minutes a dog would bark.

Denise Kinard of 137 North Main Street was present about the proposal to make Locust Avenue one way going east. She stated in the winter she has to back her car in the garage and come out of her driveway going west toward Main Street because her car cannot exit uphill on an icy alley.

This was referred back to the Roads committee for further study.

APPROVAL OF MINUTES

C. Skoglund moved to approve the minutes of the April 9, 2003 meeting.
E. Stoley seconded. The motion carried with all in favor.

APPROVAL OF EXPENDITURES AND REPORT OF ACCOUNTS

E. Stoley moved to approve the expenditures and report of accounts for March.
F. Noble seconded. The motion carried with all in favor.

BILLS

- James R. Holley & Associates general engineering \$1,471.10; Northbrook sewer extension \$554.40; sanitary sewer repairs 2003 \$965.80; roof replacement Borough building \$260.95; Trout Run pump station \$660.90; wellhead protection meeting \$458.20; new wells – Giant \$234.00
- Slonaker-McCall Scout House construction phase \$400.00
- Codes Enforcement inspection work for Giant and outbuildings \$384.00
- Velda Nickell bookkeeping services for April – 7 hours \$175.00
- Kimberly M. Dettinger bookkeeping services for April 16.75 hours \$335.00

- CGA Law Firm general account through 3/26/03 \$5,679.50

S. DiPaula moved to approve payment of the above invoices.

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

SUBDIVISION AND LAND DEVELOPMENT BUSINESS

Kenpo Dojo Martial Arts Academy – Preliminary/Final Land Development Plan for a martial arts academy located at Lot 78B on North Main Street between Rutter’s and Highland Tire

Patrick Kinsley presented updated drawings. Approval is needed yet on the Soil and Erosion plan. There is no outside lighting proposed on the back of the building nor is there any proposed lighting for the parking area. The owner felt there is enough light from the neighboring lots. The fence at the back of the property will remain and trees will be planted behind the fence as well. E. Stoley wanted to see the number of water and sewer EDUs noted on the plan.

C. Skoglund moved to approve the final land development plan contingent upon approval of the soil and erosion plan and the addition of the note about the one water and one sewer EDU for this property.

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

Zoning Officer/BOCA Inspector

The advertising sign for the Shrewsbury Markets was put back up at the corner of West Forrest Avenue and North Main Street at the demand of PennDOT even though it exceeds the size allowed by the zoning ordinance. The Secretary was asked to write a letter appealing to PennDOT about how the sign detracts from the historic look in the Village district.

OTHER REPORTS

Water & Sewer – Richard R. Buchanan

Caustic Soda Storage Tanks

The tank at the Village well developed a leak last month and caustic soda had to be pumped out and the area cleaned and neutralized. It was discovered today that the tank at the Woodlyn well has a small leak. These tanks are single walled with heating elements (that failed) and now the regulations require double walled tanks. The replacements do not have to be bid.

R. Buchanan moved to approve a fast-paced expenditure to replace both tanks that meet current standards at a cost not to exceed \$46,000.00.

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

Wellhead Protection Plan

A GPS unit is required to delineate private wells and Brian can also use the unit for mapping sewer manhole locations.

R. Buchanan moved to authorize the purchase of a GPS unit at a price not to exceed \$500.00.

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

Closing of Private Wells

The wellhead committee recommends that all private wells be closed due to possible contamination of the groundwater. A couple of the wells will remain as monitoring wells. It was the consensus of Council to not require payment of the tapping fee and that all homes be connected to public water within two years.

Deduct Meter Shrewsbury Commons

Brian met with a representative of Shrewsbury Commons about the deduct meter request for the garden department. There will have to be two deduct meters as each hose bib is affected by an outside hydrant's connection.

R. Buchanan moved to approve the request of Shrewsbury Commons for two deduct meters for use in the garden department at WalMart.

S. DiPaula seconded. The motion carried with all in favor.

Cellular Phone Back up at Well Houses

The cost for cellular phone backup alarm at each well house is \$1,000.00 and this does not include monthly service costs – there are eight well houses.

This is on hold due to the expenditures for the new storage tanks.

Alternate Emergency Water Source

An alternate water source had to be identified as part of the wellhead protection plan. At the request of the Committee, Eng. Holley wrote to the York Water Company. York Water Company responded they would agree to provide the Borough an alternate source of water through an interconnection to their system in the event of an emergency if the Borough could not meet the daily demands for water. In return for agreeing to this, they requested the Borough provide them with a right of first refusal and option to purchase our water system in the event the Borough would ever consider selling the system.

Based on this, Sol. Rehmeyer was asked to prepare a legal agreement and to take formal action next month.

Water Right of Way with SYYT Land Co.

A right of way is needed leading from the water tank on North Main Street.

R. Buchanan moved to authorize the signing of the right of way agreement.
E. Stoley seconded. The motion carried with all in favor.

Public Roads & Lighting – Christopher M. Skoglund

Crack Sealing

Stewart and Tate finished crack sealing on South Highland Drive, North and South Sunset Drives, East and West Railroad Avenues and Onion Boulevard. Poly patch was used around the high manholes and valve boxes that the snow plows hit the past winter.

Road Inspection

There are four roads that Eng. Holley needs to study and submit a preliminary cost estimate. It includes resurfacing of Onion Boulevard, South Sunset Drive, South Highland Drive and West Railroad Avenue.

Storm Drains

The storm drains have never been cleaned and have lots of silt and debris. It's very time consuming to clean the drains manually. For \$1,800.00 a day (three days), the drains can be cleaned with a vactor truck.

C. Skoglund moved to approve the cleaning of the storm drains by a vactor truck at a cost not to exceed \$6,000.00.

S. DiPaula seconded. The motion carried with all in favor.

Closing of North Sunset Drive during Carnival Week

The fire company asked for Council's consent to close the alley from just north of the intersection with West Forrest Avenue up to Playground Alley in the evenings during the week of July 28, carnival week. The barricades are manned by fire police and can be moved as needed.

E. Stoley moved to approve the request.

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

Public Lands & Buildings and Finance – Michael W. Ridgely

Ventilation Vents – Municipal Building

The Public Works Department cut vents in the overhangs of the municipal building to increase ventilation. Rainspout and fascia were replaced on the southeast side of the building.

Graleski Property

Mr. Graleski is waiting on a proposal from Council.

ENGINEER'S REPORT

Stadler Land Development Plan

Eng. Holley stated the 90 days recording time expired because Dr. Stadler did not get his bond in time and the plan was submitted for re-approval and re-signing.

C. Skoglund moved to re-approve the land development plan.
R. Buchanan seconded. The motion carried with all in favor.

New Roof at Municipal Building

Heidler was given the go ahead to begin the roof replacement.

89 and 95 East Forrest Avenue

Eng. Holley said he met with the developer who is proposing a restaurant and a Mr. Tire. Mr. Tire changes oil and Eng. Holley told the developer this may not be allowed in a Zone 2 wellhead protection area. He will find out more about the storage of the oil. They are aware of the grading requirement in the rear of the property.

SOLICITOR'S REPORT

York County Conservation District

The District had provided a revised version of its Memorandum of Understanding as per the changes recommended by Eng. Holley.

E. Stoley moved to sign the revised Memorandum of Understanding.
R. Buchanan seconded. The motion carried with all in favor.

A Grim's Glass & Plastic – Doug Miller

The land use appeal is still waiting a decision by Judge Dorney. Sol. Rehmyer contacted neighbors about how long the access driveway has been used by 121-123 West Railroad Avenue. Sol. Rehmyer also sent a letter to Mr. Miller's attorney requesting the resolution of the present problems.

Southern York County Library

New Freedom Borough approved the Lot Modification Agreement. After a signed copy is received, it will be forwarded to Shrewsbury Township's solicitor for review.

No- Impact Home Occupations Ordinance

The planning commission discussed requiring home occupations to register but the MPC does not require a registration process.

S. DiPaula moved to adopt Ordinance 2003-4.

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

Barking Dogs Ordinance and Nuisance Ordinance

Sol. Rehmeyer was asked to proceed with work on both ordinances.

Valley View Grove Land Development Homeowners Association

Sol. Rehmeyer has reviewed the revised documents that include the suggestions that were made.

Act 166 of 2002 Earned Income Tax

E. Stoley moved to adopt Ordinance 2003-5 amending certain wording and definitions as they apply to the York Area Earned Income Tax Bureau.

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

Unopened Alley between Hill Street and Charles Street

There is an old unopened 15' alley that shows on the tax map as being perpendicular to West Railroad Avenue. A resident inquired as to the status of the alley and if the Borough would give the alley up. The resident would need a signed petition by 51% of the property owners asking the Borough to vacate the alley and get it off the records.

Mobile Homes

There was a discussion about a resident who wanted to place a mobile home on a vacant lot. There is nothing to prohibit the placement of a mobile home.

Refuse Bids

The contract expires 2/1/04. The contract will be bid as is now and certain items will be itemized out to be bid several ways.

Public Safety, Welfare and Personnel – Salvatore A. DiPaula, Jr.

Secretary's Report – Cindy L. Bosley

Christmas Magic Sponsor

The Borough has been invited to be a sponsor in the County's Christmas Magic Festival of Lights. There is no cost to the Borough as we will include a \$1 off coupon valid on Municipality Nights in a newsletter.

Council agreed to sponsor a municipality night.

Resolution for Fire Company Banner

C. Skoglund moved to approve the Resolution allowing the fire company to place a banner across Main Street to announce the carnival and parade.

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

Council discussed helping in the bingo stand one night.

York County Boroughs Assn. Quarterly Meeting

The next meeting will be on Thursday, June 26 at the Shrewsbury Vol. Fire Hall. The program will be rescue dogs and crime investigation.

York Area Earned Income Tax Bureau – Frederick C. Noble

Fred said the operating expenses at the Bureau have exceeded their operating income due to low interest rates. As a result, we are no longer getting excess income over the taxes received as the Bureau will be using about 1.3% to 1.5% of the taxes received to run their operation. More and more municipalities are using the Bureau to collect their taxes.

Recreation Board/Regional Recreation – Frederick C. Noble

Intern

An intern from York College will be working with Jake this summer at no cost to the recreation board.

Peer to Peer Study

The study results will be received by May 22 and will be reviewed and discussed by the Board on May 27.

Balancing the Budget

To balance the budget the plan is to increase fees for programs, reduce costs, add new programs, increase fundraisers, increase the number of business sponsors and receive the increased funding from the municipalities.

Use of Enclosed Pavilion by SRRB

The regional recreation board asked to use the enclosed pavilion the week of August 4 – 8 for their summer camp for about 50 mothers and their children. They would be there a few hours each day. Since this is a program sponsored by the SRRB, permission was given at no charge.

F. Noble moved to allow the SRRB to use the enclosed pavilion at no charge for the Messy Playtime summer camp during the week of August 4 through the 8th.

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

Planning Commission/Regional Planning Commission – Eric W. Stoley

Minutes from the meetings were distributed.

Southern Regional Police – Richard R. Buchanan

The report for April was briefly reviewed. Buck stated the negotiation process has begun.

UNFINISHED BUSINESS

NEW BUSINESS

COMMUNICATIONS

ADJOURNMENT

The meeting was adjourned at 10:54 p.m.

Submitted by,

Cindy L. Bosley, Secretary