

## MINUTES

### SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

MAY 10, 2006

PRESENT: Mayor James W. Reedy, Richard R. Buchanan, Michael R. Caum, Thomas D. Metz, Peter W. Schnabel, 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; E. Michael Lee of Codes Enforcement; Barb Krebs of The York Daily Record; Tyler Harpster of the SPCG; Fred Miranda; Paul Francis, P.E.; Melissa Kelly of RGS; Robert Katherman, Esq.; Kelly Fodel; Shayne Dailey

The regular meeting of the Borough Council convened at 7:33 p.m. in the Borough Municipal Building, 35 West Railroad Avenue with President Schnabel presiding.

#### CITIZEN'S COMMENTS

Kelly Fodel of 8 Fawn Drive, President of the Deer Creek Home Owners' Association regarding the 20 foot buffer area in the rear yards of the six homes that abut Cardinal Drive properties. When the residents purchased their homes, they were told there was a buffer zone in the rear yard but did not know they were restricted from using the property. Kelly suggested a compromise of moving the buffer to the hillside just west of Mount Airy Road. She stated that since the residents can't use the buffer area, they don't want to mow.

Shayne Dailey of 10 Fawn Drive stated he applied for and received a building permit to place a shed in the rear of his yard. An enforcement notice was sent by Codes Enforcement.

J. Holley entered the meeting at 7:42 p.m.

Sol. Rehmeyer explained the buffer zone was originally to be maintained by the developer of the shopping center and the residents entered into an agreement that they would maintain the area but the agreement was not recorded. This buffer area was originally put in to block the Krout development residents' view of the shopping center and lighting concerns. When Mr. Dailey applied for his building

permit, he did not indicate the buffer area on his drawing. The residents should have been made aware of the buffer zone by their realtor, builder or attorney prior to settlement. The land is theirs, but the easement overlays the property. The easement must be served. The shed will be on hold for now and nothing new should be added.

E. Stoley entered the meeting at 7:53 p.m.

The Subdivision, Land Development and Zoning Committee will hold a meeting to discuss the buffer zone. The Fawn Drive residents and the Cardinal Drive residents will be invited. The Fawn Drive residents will be submitting some ideas.

### **APPROVAL OF MINUTES**

C. Skoglund moved to approve the minutes of the April 12 meeting.

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

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

This will be deferred until next month.

### **BILL LIST**

The bill list was presented for April. General account: 7644 thru 7692; Water account: check numbers 3577 thru 3590; Sewer account: check numbers 3560 thru 3571; Highway Aid account: check numbers 712 thru 715.

T. Metz moved to approve the bill list for April.

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

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

#### **Eitzert Farms Preliminary Subdivision Plan #2004-5**

The small lot at the front of the subdivision that is too small to build on has been combined with the adjacent lots. The small sliver along the back of the lot that is currently part of the retention pond was combined with the property it is next to and meets the Borough line. The Home Owners' documents meet with Sol.

Rehmeyer's approval. The following items need to be completed yet: waiver for lots five and six from Section 509 of the Subdivision and Land Development Ordinance for lots and lot sizes; sidewalk waiver; fire chief approval letter; owner signature and notarization; drainage improvements on South Sunset Drive for lots five and six to be handled under the highway occupancy permit.

E. Stoley moved to approve the waiver under Section 509 for lots and lot sizes of the Subdivision and Land Development Ordinance for the Preliminary plan.

C. Skoglund seconded. The motion carried with M. Caum abstaining due to a professional conflict.

E. Stoley moved to approve the sidewalk waiver.

R. Buchanan seconded. The motion carried with all in favor with M. Caum abstaining due to a professional conflict.

E. Stoley moved to approve the Preliminary Subdivision Plan subject to the following being met: Note for building lot 40 which is a nonconforming lot to be used as a stormwater detention pond and is a non-buildable lot; add note that the plats show the need to maintain swales; add note that the plats show the snow removal easement; need a highway occupancy permit; fire hydrant approval letter; owner's signature and notarization; and correction of lots five and six drainage problem.

R. Buchanan seconded. The motion carried with all in favor with M. Caum abstaining due to a professional conflict.

A & Z Land Partnership Preliminary Land Development Plan #2006-1,  
Constitution Avenue

The plan shows two access drives and it was the consensus of Council that it be reduced to one with a one way in and two way out.

The following conditions need to be met: sidewalk waiver; DEP sewage planning module exemption showing two EDUs; highway occupancy permit; lighting plan; and fire chief approval letter.

E. Stoley moved that a letter be sent to PennDOT objecting to the two separate drives and request that only one access drive be approved with a one-way in and a two-way out.

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

E. Stoley moved that the sidewalk waiver be granted.

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

E. Stoley moved to grant conditional approval of the Preliminary Land Development Plan subject to the following: highway occupancy permit; sewage planning module exemption approval; lighting plan; fire chief approval for hydrants and that the driveway layout as presented was disagreeable.

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

### Heathcote Glen Letter of Credit Reduction

Eng. Holley recommends the letter of credit be reduced by an amount of \$141,380.00 leaving a balance of \$647,155.00.

C. Skoglund moved to reduce the letter of credit by an amount of \$141,380.00 leaving a balance of \$647,155.00.

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

## **REPORTS**

### **Codes Enforcement** – Michael Lee

#### Charles Fader

Mr. Fader sent a letter of frustration regarding the length of time it is taking to get his ADA waivers/approvals. To speed the process, Mr. Fader could have retained an engineer and an architect but he instead asked Codes Enforcement to prepare the paperwork to request the 13 or 14 variances. Codes Enforcement has to be thorough as they receive demerits if L & I has any findings in an audit and they could lose their license. This is why it is taking so long.

#### Bennett Property, 30 North Main Street

Mrs. Bennett's caretaker has arranged for a demolition permit for the garage in the rear of the property.

#### Covington Ridge II

There is a new lawsuit in that the retaining wall is on the McKees' property.

### Cresswell Inspection

Codes Enforcement was asked to look at the garage in the rear of the property to make sure no one is living upstairs.

### Buffer Zone behind Cardinal Drive

Council will have to re-evaluate the buffer zone and invite both groups to participate in the discussion.

### Water & Sewer – Richard R. Buchanan

#### Water Specifications

C. Skoglund moved to approve Ordinance #2006-6 approving the water specifications.

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

Roll call vote:

Buchanan	yes, in favor
Caum	yes, in favor
Metz	yes, in favor
Skoglund	yes, in favor
Stoley	yes, in favor
Schnabel	yes, in favor

#### Sewer Specifications

C. Skoglund moved to approve Ordinance #2006-5 approving the sewer specifications.

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

Roll call vote:

Buchanan	yes, in favor
Caum	yes, in favor

Metz	yes, in favor
Skoglund	yes, in favor
Stoley	yes, in favor
Schnabel	yes, in favor

### Sewer Line Televising Requirements

C. Skoglund moved to adopt Ordinance #2006-4 requiring sewer line televising before adoption of the lines.

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

Roll call vote:

Buchanan	yes, in favor
Caum	yes, in favor
Metz	yes, in favor
Skoglund	yes, in favor
Stoley	yes, in favor
Schnabel	yes, in favor

### DEP Review of 2005 Records

One of the items on the checklist is to recalibrate some of the pump meters. This would be done on-site.

R. Buchanan moved to approve the expenditure of up to \$3,000.00 to pay for the calibrations.

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

### York Water Emergency Water Tap

York Water is interested in entering into an agreement to provide an emergency water tap at a hydrant for our customers to use in case of a problem with our water and we would make a hydrant available to their customers in return. This would be included in our emergency response plan.

E. Stoley moved to pursue entering into an agreement.

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

## **Public Roads & Lighting** – Christopher M. Skoglund

### Amendment to Street Cut Ordinance to Require Superpave Materials

C. Skoglund moved to approve Ordinance #2006-3 to amend the street cut ordinance to regulate the type of paving materials used to make the repairs.  
E. Stoley seconded. The motion carried with all in favor.

Roll call vote:

Buchanan	yes, in favor
Caum	yes, in favor
Metz	yes, in favor
Skoglund	yes, in favor
Stoley	yes, in favor
Schnabel	yes, in favor

### Crack Sealing

The crack sealing for 2006 is complete at \$3,999.00.

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

### Public Works Open House

The new garage open house will be on Wednesday, May 31 at 7:00 p.m. Meet at the municipal building and car pool to the new garage.

### Borough Building Playground

The sliding board at the small play area next to the Borough Office is rusted and rarely used. This equipment was installed in the 1960s or 1970s. The equipment will be taken down and the area landscaped.

### Generator

C. Skoglund moved that the generator at the playground be switched out with the one donated by New Freedom Borough. Recreation fees may be used.

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

### Maintenance Contract for HVAC

We will pursue adding the water heater and the equipment in the Public Works Garage to the contract.

## **ENGINEER'S REPORT**

### Fitz and Smith Road Contract

C. Skoglund moved that the contract with Fitz and Smith be signed.

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

### Sewage Planning Module for A & Z Plan

E. Stoley moved that the sewage planning module for two EDUs be signed for the A & Z Plan.

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

### Buffers and Screens

Eng. Holley provided copies of landscaping regulations for buffers and screens.

## **SOLICITOR'S REPORT**

### I-83 Rest Stop EDU Issue

PennDOT provided an Agreement for its participation in the Keeny Well project. The Agreement will be reviewed by Council.

### Pinnacle Towers

Sol. Rehmeyer's office is working on filing the transfer documents.

### Community Map Guide



Letters were sent to the sponsors asking for information to join them in the complaint filed with the Attorney General's office.

### Covington Ridge and S & A Homes

A property owner has filed suit against S & A Homes for the placement of the retaining wall that is in violation of the approved contract documents. The Borough is not named in the suit.

### Amendment to the Zoning Ordinance – Signs

A draft was presented to amend the table in Section 301.1 of the Zoning Ordinance to increase the maximum size of signs for Houses of Worship, Public Schools and other Non Profit organizations and to restrict the hours of illumination in the Residential and Village Districts. The Zoning, Subdivision and Land Development Committee will review the draft. Fred Miranda has ceased his concerns and is taking other actions to block his view of the proposed sign at the school entrance. He is not in favor of the proposed ordinance amendments.

### **Public Safety, Welfare and Personnel** – Michael R. Caum

#### Burn Ban

M. Caum moved to lift the burn ban.

T. Metz seconded.

After discussion on the dry conditions, the motion was rescinded and Council will review the situation at the next meeting. The burn ban remains in place.

#### NIMS Training

All of the Public Works Department and the Office personnel and two Council members will attend the all-day training on May 24 in Stewartstown.

#### Employees

M. Caum thanked the employees for the good job they do.

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

## York County Borough's Association Meeting

The next meeting is on June 22.

### **York Adams Tax Bureau** – Thomas D. Metz

T. Metz handed out minutes from the last meeting.

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

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

In addition to the Eitzert and A & Z plans, the Planners reviewed special exception requests for Shrewsbury Concrete and the former Agway property at 380 North Main Street.

The Regional Planning Commission is seeking a grant to update the Regional Comprehensive Plan.

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

Negotiations for the police officer's union will soon begin. The seriousness of the crimes being committed in Shrewsbury is also increasing our time. A meeting was held with Shrewsbury Township representatives. Areas of concentration will be Heritage Farms and Presidential Heights and other high-density areas. The Township has offered to hold a public meeting and invite the Township neighborhoods to the meeting.

## **UNFINISHED BUSINESS**

C. Skoglund said he will follow up with the Township by letter why the Borough is not interested in participating in the LED traffic signal lamp changeout.

## **NEW BUSINESS**

## **OTHER BUSINESS**

### **Main Street Beautification**

A letter will be sent to the shop owner who organized a Main Street beautification. Benches and planters were placed at the square and at some shops.

### **COMMUNICATIONS**

M. Caum stated the Fire Company responded to John Morrell's letter regarding blocking the alley when the fire company is rented for auctions and shows.

### **ADJOURNMENT**

The meeting was adjourned at 10:30 p.m.

Submitted by,

Cindy L. Bosley, Secretary