

MINUTES

SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

July 13, 2016

PRESENT: Mayor Peter W. Schnabel, Fred W. Arbogast, Michael Sharkey;
Diane Kraatz, Ted Nadobny, Stanton Walters, and Keith Wills

OTHERS

PRESENT: Brian L. Sweitzer, Supt. of Public Works; Jeffrey L. Rehmeyer II, Esq.;
David Lipinski, P.E.; John-Paul Whitmore; Michael and Nancy Ridgely;
Phil Robinson

The regular meeting of the Borough Council convened at 7:02 p.m. in the Borough Municipal Building, 35 West Railroad Avenue, with Vice President Sharkey presiding.

CITIZEN'S COMMENTS

Rocco Battaglia, 19 Whitcraft Lane, had submitted a letter stating the lot owned by the Borough on Whitcraft Lane has become an unattractive site with the addition of piles of millings and concrete. Council authorized Supt. Sweitzer to contact Mr. Battaglia about potentially splitting the cost of installing evergreens (Arborvitaes) along the boundary on the Borough's property.

Phil Robinson stated he attended the New Freedom Borough Council meeting following his attendance at our June meeting and the Council would like something in writing from Shrewsbury Borough stating we are agreeable to discuss the concept of New Freedom Borough selling EDUs for Phil to use for development east of Shrewsbury in the Township. Sol. Rehmeyer will draft a letter for the Secretary to attach to last month's minutes to send to New Freedom Borough.

APPROVAL OF MINUTES

The minutes of the June meeting were approved by unanimous consent.

APPROVAL OF EXPENDITURES AND REPORT OF ACCOUNTS

(Note: new checks are being used due to bank changing account numbers when merger took place)

F. Arbogast moved to approve the bill lists: general account check numbers 13461 thru 13488 and 1000 thru 1016; water account check numbers 5578 thru 5584 and 1000 thru 1006; sewer account check numbers 5150 thru 5154 and 1000 thru 1002; highway aid account: none; and to approve the financial reports for June.

T. Nadobny seconded. The motion carried with all in favor. The PLGIT balances and report of accounts for the Municipal Authority were also included.

APPROVAL OF PAYROLL REGISTER

F. Arbogast moved to approve the June 6 and 20 payroll registers.

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

SUBDIVISION & LAND DEVELOPMENT

Codes Enforcement

Seven building permits were issued in June. Keith's activity report was submitted and is on file. A complaint was received regarding rats in the area of Skyview Drive and Westview Drive. Keith's office investigated the neighboring property and found no violations. Pictures were passed around.

Southern Regional Police – Mayor Schnabel

Mayor Schnabel stated the Commission has not reviewed the report ending June 30 since it won't be meeting until July 19 due to the carnival. The meetings held to discuss changing the formula were not productive as Glen Rock and New Freedom Boroughs went into the meetings with the mindset that the formula be changed to only use police protection units (PPUs, or buying blocks of time). Stewartstown Borough was concerned about its hours of patrol time but that issue is being corrected by Chief Boddington. New Freedom Borough felt that Shrewsbury Borough was not interested in discussing a formula change and it advertised a public hearing on the withdrawal from the Southern Regional Police for Monday, August 8. The Borough is, in fact, willing to discuss a formula change that would include the other variables. Michael Ridgely stated the meetings were a disappointment and he urges Council to authorize a special mailing to inform our residents on where the Borough stands and that we were in fact interested in discussing changing the formula, but not based completely on PPUs.

S. Walters moved that a special mailing be done so it is delivered to our residents before August 8.

D. Kraatz seconded. The motion carried with all in favor.

Water & Sewer – T. Nadobny and Supt. Sweitzer

EDU Transfer from One Property to Another, Same Owner

As reported last month, the property at 3 South Main Street had three uses previously and the one use had a very small area of approximately six feet by 25 feet and there was a

half bath as part of this area. This area is being used for storage by the retail tenant in the main downstairs area and there is another half bath ten feet away in the main area. There are three EDUs attached to this property at the current time. The same individual owns 5 South Main Street and there are currently two EDUs attached to it and there was recently three uses approved for this building, per what was there in the past. The property owner would like to transfer one of the EDUs from 3 South Main Street to 5 South Main Street. Sol. Rehmeyer prepared an Assignment of Sewer Capacity to accommodate the transfer.

T. Nadobny moved to approve the signing of the Assignment of Sewer Capacity.

F. Arbogast seconded. The motion carried with all in favor with D. Kraatz abstaining.

Updating Act 57 Sewer Tapping Fee Study

The last study was done in 2005 and Council asked Eng. Lipinski last month for a cost range to update the study. Eng. Lipinski estimated the cost of the study to be between \$4,000.00 – 6,000.00.

T. Nadobny moved that Eng. Lipinski proceed with the study.

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

Emergency Work Crosswind Drive

The sewer line repair work done on Strassburg Circle forced the groundwater to come into Crosswind Drive and it's estimated that 30,000 gallons per day are entering the pipe. The Municipal Authority authorized the emergency repair at a cost not to exceed \$50,000.00. Prices were received from three companies and Mr. Rehab was the lowest at around \$35,000.00 depending on the sewer line lengths. The Borough is responsible for 14% of the cost.

S. Walters moved that Supt. Sweitzer proceed with the emergency repair and that the Borough pay its share of the costs, which would be around \$5,600.00.

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

Essex Circle Drive Sewer/Road Project

Fitz and Smith will start the work this month. The bid amount was \$325,592.50 with the Borough paying 14% of the cost.

Sewer Meters

FlowWav helped to install the meters on Crosswind Drive with no access to the data as yet.

Load Bank

The sewer pump station generators were all tested at full load capacity during the last two weeks and they test between 75% and 100% accuracy. The amount of \$7,000.00 was budgeted and the actual cost is \$4,800.00.

Country Comfort Kennel

The meter has been read weekly since last quarter to see if the consumption is going down. This quarter, the kennel used 164,000 gallons which means it will need to purchase four more water and sewer EDUs.

Public Roads & Lighting – M. Sharkey and Supt. Sweitzer2016 Road Inspection and Bank Loan

Supt. Sweitzer attached the road inspection report with the 2015 ratings, 2016 ratings and problem areas. Problem areas will be patched starting next week with crack sealing taking place in the fall. Sol. Rehmeier also included a Term Sheet from Fulton Bank. The plan is to complete the water, sewer, and storm sewer work in 2017 with road paving in 2018.

Children at Play Sign

Tommy Hare, 18 South Sunset Drive, requested a Children at Play sign be posted along South Sunset Drive just north of the intersection with Railroad Avenue.

F. Arbogast moved that signs be placed in each direction at a cost not to exceed \$100.00. K. Wills seconded. The motion carried with all in favor.

Eliminating Parking between 33 and 37 West Forrest Avenue, North Side

Nate Kirschman submitted a letter asking that yellow paint be applied to the curbing on the north side of West Forrest Avenue between the fire house and 37 West Forrest Avenue as there is not room for parked vehicles. This will require a traffic study and Supt. Sweitzer was asked to check with LTAP to see if there is a cost for the study.

Oaklyn Circle Adoption

Oaklyn Circle was not adopted with the other streets in this development. Sol. Rehmeier will coordinate with Eng. Lipinski for a center line description and ordinance preparation.

Drainage Swale at Post Office

Apparently, when the post office was built, a drainage pipe was damaged and silt has built up causing the storm water to back up into the detention pond across the street at the car wash. A letter will be sent to the post office asking that they correct the problem.

Public Lands, Buildings and Finance – F. ArbogastPublic Works Projects

The list of current projects showing budgeted and actual amounts is attached to the minutes.

ENGINEER'S REPORTStrassburg Circle Sanitary Sewer Replacement

A partial invoice was received from Clear View Excavating in the amount of \$47,685.25. Eng. Lipinski recommended payment of Invoice #1.

S. Walters moved that the Borough's portion of Invoice #1 be paid.

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

Dollar General Final Land Development Plan – Shrewsbury Township

A very small portion of the lot, the snow storage area, is in Shrewsbury Borough on the east side of the parcel. Access for the store is via Miller Drive off of Constitution Avenue. Eng. Lipinski questioned if the Borough wants to waive its review process since there are no improvements in the Borough and defer the review to Shrewsbury Township and the Municipal Authority for approval of the sewer lines and planning module.

K. Wills moved to defer approval of the final land development plan for the Dollar General store to be located at the southeast intersection of Constitution Avenue and Miller Park Road in Shrewsbury Township to the Township and the Municipal Authority, provided access remain off of Miller Road and not through the rear of the YMCA and as long as there are no improvements to be built in the Borough.

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

2016 Water Line Work

Eng. Lipinski recommended the contract be signed with H & H General Excavating, Inc. for the water line work.

Essex Circle Drive Sewer and Road Work

The lowest bidder was Fitz & Smith, Inc. in the amount of \$325,592.50 and work should begin next week.

Deer Creek Pump Station Wet Well Expansion

Eng. Lipinski stated we are waiting on DEP to issue the permit.

SOLICITOR'S REPORTStewartstown Railroad and Omega Rail Management

After Mr. Von Briesen's appearing at the May meeting, a letter was sent to Mr. Will McKinney of Omega Rail Management dated May 19. No response was received, so a follow-up letter was sent on June 22.

Eitzert Farms

There is an agreement from 1969, amended in 1970, to allow the Borough to install a well as a source of water service to Borough residents. The Eitzert Well, which was not a good performer, was abandoned in 1994 and those rights stated in the Agreement will not be used again. Council was asked to review the documents and approval relative to termination of them could be granted at the next meeting. If such approval is granted, Attorney MacNeal, attorney for the developer, will be directed to prepare a document to terminate the Borough's rights stated in the Agreement.

Eitzert Farms Financial Security

The Second Amendment to Agreement for Financial Security and Second Amended and Restated Mortgage have been signed. The Mortgage has also been recorded in Book 2373, Page 2022.

Sewer Tapping Fees and Reservation Fees

Tapping and reservation fees are governed by Section 5607(d) of the Municipal Authorities Act and provides that entities opting to collect a reservation of capacity fee or other charge may not collect the tapping fee until the building permit fee is due. A reservation of capacity fee may not exceed 60% of the average sanitary sewer bill for a residential customer in the same sewer service area for the same billing period. The fee

must be based on debt and fixed operating expenses. A tapping fee may be paid in advance in lieu of a reservation fee.

Phil Robinson's Sewer Capacity Transfer Request

Following Phil's appearance at last month's meeting, he attended the New Freedom Borough Council meeting. Sol. Rehmeyer prepared a summary e-mail message that was sent to Phil with a copy to New Freedom Borough's solicitor, Steve Hovis.

Alley Between 14 and 16 North Main Street

An issue of ownership arose at the June 8 meeting and Sol. Rehmeyer's office was directed to perform a title search to ascertain ownership of the alleyway. It appears that the alleyway is owned by 14 North Main Street.

Sidewalks

Borough Code authorizes the installation of sidewalks along municipal streets and also requires owners of any property abutting any street to maintain the sidewalk. If the property owner fails to do this, the Borough may do the work and charge the property owners the cost of the work plus an additional 10% of the cost, together with all charges and expenses, and may file a municipal claim for the amounts or collect the amounts by action in assumpsit. Compliance with the Americans with Disabilities Act will be necessary if the sidewalks are redone.

A tour of the existing sidewalks was done on Monday evening and there are about 70 addresses listed as having issues based on the ordinance. The gaps were anywhere from a half inch to five inches. The problems were caused by either trees, utility issues, or drainage issues. The trees and sidewalks are the responsibility of the property owner. Council discussed what approach it wanted to take when it has a legacy of not enforcing the sidewalk ordinance. The cost for a concrete walk is \$4.00 – 5.00 per square foot and around \$40.00 per l.f. for curbing. Funding will be researched and an article will be placed in the next newsletter.

Public Safety, Welfare and Personnel – F. Arbogast

Shared EMC

Hopewell Township is interested in participating in the shared EMC and the first meeting was last evening at the Township building. No one was there from Glen Rock Borough or Hopewell Township. Shrewsbury Township will schedule another meeting.

Secretary's Report – C. Bosley

The plaque that Council requested be hung in the Council chamber was installed. Resident, James Richardson, made the plaque.

York Adams Tax Bureau – M. Sharkey

The next meeting is July 25.

Subdivision, Land Development and Zoning - D. Kraatz

Planning Commission/Regional Planning Commission – D. Kraatz

S. Walters stated he has been attending the Local Government Advisory Committee meetings at the Court House where zoning and subdivision ordinance amendments are submitted and reviewed by Staff, then the LGAC before they go the Planning Commission.

UNFINISHED BUSINESS

NEW BUSINESS

COMMUNICATIONS

ADJOURNMENT

F. Arbogast moved to adjourn the meeting at 9:57 p.m.

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

Submitted by Cindy L. Bosley, Sec.