

MINUTES

SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

September 13, 2017

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

OTHERS

PRESENT: Brian L. Sweitzer, Supt. of Public Works; Jeffrey L. Rehmeyer II, Esq.; David Lipinski, P.E.; John-Paul Whitmore; Nick Caruccio, President Shrewsbury Vol. Fire Company; Phil Robinson; Kerry McKnight; Ronny Martin; Randy Engle; Len Dunaja; Nikolay Ratajczak; Steve Wilson; Nate Kirschman; Keith Russell; J.T. Hand; Joyce Doonan

The regular meeting of the Borough Council convened at 7:00 p.m. in the Borough Municipal Building, 35 West Railroad Avenue, with President Buchanan presiding.

CITIZEN'S COMMENTS

Steve Wilson of Meisel Cohen, owner of the Market Square Shopping Center, was present as a result of some of the stores being flooded during the July 23 major rain event. When it rains, water runoff from the roof of the shopping center building pools in the rear of the shopping center and then comes in the rear of some of the stores. Mr. Wilson knew a preliminary Analysis of Stormwater Runoff was prepared by Eng. Lipinski and asked if the shopping center's engineer could meet with the Committee and the Borough's engineer to discuss the issue. The shopping center was built around 40 years ago and it is unknown what changed since then that is causing the runoff problems. The Water and Sewer Committee was asked to meet with the shopping center representatives and the respective engineers.

Kerry McKnight of the New Freedom Lions Club was present to update Council on the progress of getting a Shrewsbury Lions Club started again. Ronnie Martin, from Lions Club International, was also present to say they have about 18 members so far and they are visiting more businesses tomorrow. The first meeting is this Friday at noon at the library.

Randy Engle of 4 Strawberry Road, Len Dunaja of 3 Abby Road, and others who did not identify themselves, were present last month to voice opposition to closing their wells as when they signed their contracts with The York Water Company, they were told by the Company they would be allowed to keep their wells for outside use. Should they want to disconnect from The York Water Company's service line, the penalty would be

\$9,430.00 per customer. Mr. Engle argued again that he signed the contract in June of 2016 and the Township adopted its well closure ordinance in June of this year. The residents feel they should be grandfathered since they didn't know of the well closure requirement. Mr. Engle also questioned DEP guidelines for closing a well. The York Water Company was contacted and it will not agree to waive the penalty fee to disconnect from its lines. It was learned that the Shrewsbury Township ordinance was not advertised and Sol. Rehmeier recommended the Township hold off advertising the ordinance until possibly an understanding can be reached between those customers who connected to The York Water Company and closure of their private wells. J. T. Hand, of the York Water Company, stated there was absolutely no collusion between the York Water Company and Shrewsbury Township and Shrewsbury Borough by the York Water Company stating the home owners could keep their private well and then finding out they are in wellhead zones and being told that they must close their wells. He also stated that if need be, he would ask the Water Company attorneys to assert that if the Borough/Township not allowing one outside faucet violates Public Utility law. Some suggestions to allow the residents to keep their wells for outside use, as long as they were operational, would be to put a locking device on the well cap and have an inspection done so many years. If the well is no longer operational, the well would be abandoned, capped and sealed. Sol. Rehmeier will adjust the proposed Township ordinance. S. Walters arrived at 7:52 p.m. during the above discussion. Len Dunaja, of 3 Abby Road, stated he is fine with the above suggestions.

The meeting was recessed at 8:13 p.m. in order to start the Police Agreement hearing.

Public Hearing on Police Agreement

The hearing began at 8:13 p.m. and it was noted that no one came in at 7:30 p.m., or thereafter, that was in attendance specifically for the hearing. Pres. Buchanan explained that the hearing is necessary in order for the Borough to protect itself from being left as the only member or with a second member not being agreeable. Glen Rock and New Freedom Boroughs gave their notice some time ago and preserved them when the Amended Intermunicipal Agreement was approved earlier in the year. Stewartstown Borough completed the withdrawal notice process as well. All four Boroughs are in the Agreement until December 31, 2018, and withdrawal notices could be rescinded at any time.

Public comments: Nate Kirschman stated the Borough must act to protect itself. John Paul Whitmore concurred.

The hearing was closed at 8:25 p.m.
The regular meeting resumed at 8:25 p.m.

F. Arbogast moved to withdraw from the Southern Regional Police Commission pursuant to the Agreement and to issue a notice to the effect that notice is being given as a precautionary measure.

D. Kraatz seconded. The motion carried with all voting in favor except M. Sharkey, who was opposed.

Phil Robinson and Nikolay Ratajczak were present again to again voice frustration in getting sewer capacity to develop lands they own in Shrewsbury Township. M. Sharkey attended the New Freedom Borough Council meeting Monday evening and it was stated that it is not interested in changing the number of gallons that comprise an EDU. It may be willing to sell EDUs directly to Phil under certain conditions. New Freedom Borough also discussed restoring the plant back to its original 2.25 MGD capacity. The Borough/Authority are still considering the capacity in the lines and the Committee has met at least twice with Phil and Nikolay and they feel progress is being made. Phil stated the Borough is reserving capacity for Borough property owners who are not paying a reservation fee. Phil was again reminded the Borough planned ahead for future development based on existing zoning and other municipalities did not. It was also noted that the plant exceeded its limit a few times recently with the heavy rain events.

Joyce Doonan, of 9 Wineberry Drive, was present again about a change in water runoff since development started at Apple Tree Court on Greenview Drive. She shared pictures of water in the back yard. Supt. Sweitzer and Eng. Lipinski were asked to investigate the detention pond serving the development.

Nick Caruccio, President of the Shrewsbury Vol. Fire Company, regarding a recent denial of a worker's compensation claim by a volunteer member of the fire company injured during carnival teardown. A claim was filed and verbal approval was given to three members of the fire company prior to the surgery and the day after surgery, a written denial was received from Amerihealth. The worker's compensation carrier is interpreting Act 601(a) of the Worker's Compensation Act as covering only volunteer fire fighters responding to an emergency. Rep. Kristin Phillips-Hill is in the process of drafting a change to the law that would better define Section 601(a) of the Act. Sol. Rehmyer prepared a Resolution that recognizes the fire company as the official provider of fire protection and related services and authorizes activities and duties under the worker's compensation law.

M. Sharkey moved to adopt Resolution 2017-4.

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

A list of activities should be approved yearly by Council and other events at a meeting as they come up.

Worker's Compensation Denial of Claim Appeal

Sol. Rehmeier stated the injured member must appeal herself and recommended an attorney and law firm that could represent her. Nick stated he is concerned the fire company will lose volunteers if they are not covered under the worker's compensation act.

APPROVAL OF MINUTES

The minutes of the August 9, 2017, meeting were approved with one modification under the York Area Tax Bureau report. M. Sharkey stated he attended the quarterly meeting on July 30 but did not attend the Tax Collection Committee meeting

APPROVAL OF EXPENDITURES AND REPORT OF ACCOUNTS

F. Arbogast moved to approve the bill lists: general account check numbers 1650 thru 1696; water account check numbers 1261 thru 1271; sewer account check numbers 1165 thru 1173; highway aid account: none.

M. Sharkey and T. Nadobny seconded. The motion carried with all in favor.

Due to the lateness of the evening, the financial reports for August will be approved next month.

APPROVAL OF PAYROLL REGISTER

F. Arbogast moved to approve the August 14 and 28 payroll registers.

S. Walters and D. Kraatz seconded. The motion carried with all voting in favor.

SUBDIVISION & LAND DEVELOPMENT – D. Kraatz

95 East Forrest Avenue Land Development Plan Filed 4/26/17

Staff had reviewed a sketch plan for a small drive-thru food service business showing the turning lane being reduced by 50 feet (two – three car lengths) based on a traffic study done during the week and not on weekends. On weekends, the traffic backs up as only about four vehicles can get through on the left-turn arrow at a time. Council had previously expressed it did not want the turning lane reduced. No grading was discussed. The time extension expires on September 14 and the applicant asked for another 90 day extension until December 14, 2017.

D. Kraatz moved to grant the time extension request until December 14, 2017.

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

Codes Enforcement

Five permits were issued in August.

Southern Regional Police – R. Buchanan and Mayor Schnabel

The July report was received which is in a new format. The ‘Calls for Service’ heading at the top of the page needs to be changed to ‘Incidents’.

Water & Sewer – T. Nadobny/Supt. Sweitzer

Sewer Flow Meters

One meter needed to have the sensors recalibrated.

Met Ed Right-of-way Request

Gannett Fleming is requesting a right-of-way for Met Ed through the Pumphouse property behind 99 East Forrest Avenue.

T. Nadobny moved to permit Met Ed to pursue relocating the right-of-way across the Borough’s property at Exit 4.

K. Wills seconded. The motion carried with all voting in favor.

Public Roads & Lighting – M. Sharkey and Supt. Sweitzer

East Church Avenue “No Trucks Allowed Signs”

The signs have already been installed in conjunction with the traffic study and ordinance to be adopted.

M. Sharkey moved to authorize the advertisement of the ordinance.

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

Extra Snow Plow Driver Bid

The following bid was received:

ARRC \$128.00 per hour.

M. Sharkey moved to approve the bid of ARRC in the amount of \$128.00 per hour.

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

PennDOT North Main Street Paving/Driveway Removal

Sol. Rehmeier drafted an agreement for the three property owners. Supt. Sweitzer spoke with Mr. McKee of PennDOT and requested help with the driveway compliance for the three driveways either financially, with construction or with regards to the agreements. PennDOT will not offer any assistance. Mr. McKee asked his maintenance staff to look at the driveways and they are not concerned about the removal. He stated that they will pave up to the existing driveways if necessary and they are not concerned about the existing driveways safety. After discussion, it was decided to press on toward removing the driveways from encroaching out into the roadway. If the owner of 135 North Main Street does not return her agreement, Sol. Rehmeier was asked to see if the driveway be condemned.

Driveway Paving and Borough Roads

The Roads Committee started a tour of the Borough to make a list of the problem driveways where extra paving was installed that diverts the water out into the street. Letters will be sent to the property owners to have the problem corrected. The drawing of how to properly correct the gap at the end of a driveway will be included in the next newsletter.

Public Lands, Buildings and Finance – F. Arbogast

Approve 2018 Municipal Pension Obligation

F. Arbogast moved to approve the amount of \$45,914.00 be budgeted for the 2018 Municipal Pension Obligation.

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

Budget Meetings

The joint budget meetings with the Municipal Authority will be October 3, October 10, October 24, November 14, and December 5 at 7:00 p.m.

2016 Audit

F. Arbogast reported the audit report is much better than previous years. Some internal controls will be put in place such as signing time cards and initialing bank statements and bank reconciliations.

ENGINEER'S REPORT

2017 Water Line Replacement Project

MACMOR Construction, LLC was the low bidder at \$390,282.00 and hopes to start the project within the next two weeks and have it completed by late November.

PennDOT Driveway Ramps

We are waiting for the home owners to sign the required documents and agree to move forward.

PennDOT Main Street Curb Replacement

Eng. Lipinski is working with PennDOT regarding the curb and sidewalk work in the first block of North Main Street.

SOLICITOR'S REPORT

Taken previously in various items listed above.

Public Safety, Welfare and Personnel – S. Walters

SCEMA Representatives

T. Nadobny moved to appoint Peter W. Schnabel as the representative and Keith Wills as the alternate representative.

K. Wills seconded. The motion carried with all voting in favor.

Health Insurance Renewal

The health insurance was renewed at an increase of \$8,600.00 but it is still \$7,000.00 ahead after saving \$15,000.00 on the 10/1/16 renewal.

Secretary's Report – C. Bosley

York County Boroughs Assn. Meeting

The next meeting is on September 21.

York Adams Tax Bureau – M. Sharkey

During upcoming budget discussions, the collection fee maximum will be reduced from 2% to 1.85% with the average over the past five years being 1.44%.

Subdivision, Land Development & Zoning – D. Kraatz**Planning Commission/Regional Planning Commission** – D. Kraatz**UNFINISHED BUSINESS****Sidewalks**

The Committee met again on September 7. The Committee asked for guidance from Council as to how to proceed. The goal is to improve public safety. Various grants are available but engineering needs to be done to determine the scope of the work. Eng. Lipinski added that no areas of the Borough qualify as low income for Community Block Grants any longer. The Committee is suggesting a broom-swept concrete finish for either hazardous portions or if entire sections are done at one time. The estimated cost of removing existing sidewalk and installing concrete is around \$75.00 a square yard. Also, trees and curbing are problems as well. Letters may be sent to home owners advising them to repair/replace their sidewalk to see what reactions there are. The Secretary was asked to see if there are any older ordinances that pertain to sidewalks.

NEW BUSINESS**COMMUNICATIONS****ADJOURNMENT**

T. Nadobny moved to adjourn the meeting at 10:45 p.m.
D. Kraatz seconded. The motion passed with all voting in favor.

Submitted by Cindy L. Bosley, Sec.