

## MINUTES

## SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

APRIL 11, 2018

PRESENT: Mayor Michael Sharkey, Fred Arbogast, Richard Buchanan, Stanton Walters, Diane Kraatz, Keith Wills, Ted Nadobny, and Stephen Mayoryk

## OTHERS

PRESENT: Brian L. Sweitzer, Supt. of Public Works; Jeffrey L. Rehmeyer II, Esq.; David Lipinski, P.E.; Nate Kirschman; John-Paul Whitmore; Phil Robinson; Michael Stoltz of MFI; Tom Englerth of Site Design Concept; Mark Beran; Doug Brent; Stacey MacNeal, Esq.; Richard Deodati and others who did not speak

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

**CITIZEN'S COMMENTS**

Phil Robinson, 18147 Amanda Lane, New Freedom, thanked Council for meeting with Shrewsbury Township representatives to discuss the sewer capacity issue.

Mayor Sharkey arrived at 7:02 p.m.

Richard Deodati, representing a local group of artists, stated they are interested in converting the building the Borough owns at 44 South Main Street into an arts and community center for people of all ages. They would hope to be solvent in a year.

**APPROVAL OF MINUTES**

The minutes of the March 14 meeting were approved by unanimous consent by those who were at that meeting.

**APPROVAL OF EXPENDITURES AND REPORT OF ACCOUNTS**

F. Arbogast moved to approve the bill list for March: general account numbers 2000 thru 2050; water account: check numbers 1373 thru 1380; sewer account: check numbers 1228 thru 1238; highway aid: check number 933.

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

## **APPROVAL OF PAYROLL REGISTER**

F. Arbogast moved to approve the March 12 and 26 payroll registers.  
D. Kraatz seconded. The motion carried with all voting in favor.

## **SUBDIVISION AND LAND DEVELOPMENT BUSINESS**

### **95 and 99 East Forrest Avenue Sketch Plan**

Attorney Stacey MacNeal, Tom Englerth of Site Design Concept, and Michael Stoltz, were present to discuss a sketch plan to develop the two lots at 95 East Forrest Avenue and also 99 East Forrest Avenue as one large lot. The existing parcels have traffic safety concerns, they are in a wellhead protection zone, there is a stream in the rear, and the topography slopes both from the south to north and from west to east. The combined parcels would have two access points. The full access drive would be as far west as possible on East Forrest Avenue and the access point on Mount Airy Road would be a right in and a right out only, with a pork chop. A retaining wall is proposed for a portion of the west side and in the rear (with the highest point being 20 feet high). Additionally, a smaller retaining wall is proposed between the buildings (four or five feet high). The west side of the property could be considered congruous with the adjoining property. There would be a buffer yard behind the rear wall. A grocery store is proposed for the 95 East Forrest Avenue parcels which would have one delivery a day. The storm water facilities would be underground. They were told the stream to the rear of the properties is very important to the Borough as a weir measures the flow further east and this stream cannot be impacted. The applicant would apply for a variance from setbacks and parking because they are about seven parking spaces short. The neighbors to the north on Westview Drive will be invited to a meeting to see what is being proposed. The purpose of the meeting will be for the neighbors to get an understanding of what is being proposed and present questions or concerns. Additionally, Council could make a preliminary determination as to whether the proposed grading is acceptable and in compliance with the Zoning Ordinance based on the sketch plan as presented.

S. Walters moved to schedule the meeting for April 24 at 7:00 p.m. to hear public comment and to make a decision or get a consensus as to what is being proposed.  
D. Kraatz seconded. The motion carried with all voting in favor.

### **Preliminary Land Development Plan for 95 East Forrest Avenue**

This plan was filed on April 26, 2017 and has been given several extensions with the current extension ending April 19, 2018. Another extension is requested for three months in the event the sketch plan discussed above fails to receive a consensus approval to proceed.

S. Walters moved to approve the request for another extension until July 19, 2018.

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

### **Codes Enforcement**

There were eight permits issued in March.

### **Southern Regional Police Department** – Mayor Sharkey and R. Buchanan

There was a brief discussion about the New Freedom Borough Council meeting where there were over 100 residents in attendance wanting the Council to remain as a member and to keep the SRPD in New Freedom Borough. After several motions, it is believed they are asking to not be a member and to purchase PPU hours at \$119.00 per hour with a five year commitment. Mayor Sharkey proposed a meeting of one member (likely the mayor or an alternate if the mayor is unable to attend) from each of the four member municipalities to discuss contract negotiations. Stewartstown Borough had sent a letter giving a five year commitment but since not all four members committed, it withdrew that offer and is staying with the notice they will withdraw at the end of 2018.

F. Arbogast moved that a letter be sent to the other three municipalities inviting them to select representatives to attend a meeting to discuss contract negotiations.

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

### **Water & Sewer** – T. Nadobny/Supt. Sweitzer

#### **Shrewsbury Township Well Survey**

Supt. Sweitzer presented the initial letter that will go to all Shrewsbury Township well owners in a Wellhead Protection zone.

T. Nadobny moved that the letter be sent to the 80 – 90 private well customers.

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

#### **Deer Creek Pump Station Sewer Meter Analysis**

Supt. Sweitzer and Eng. Lipinski met to resolve data inconsistencies and anomalies that may be related to the sewer meter maintenance or sewer line/pump station maintenance. The final report will be presented to the Authority at the next meeting.

#### **Future Sewer Capacity**

R. Buchanan drafted a letter to be sent to all Borough property owners where future development could take place and existing Borough commercial/industrial sewer customers asking them to think about what they may need in the future and to invite them to future meetings to discuss making a commitment to purchase/reserve capacity. Sol. Rehmeyer will review the letter.

#### Vacancy on Municipal Authority

T. Nadobny moved to appoint Mark Beran to the Municipal Authority.  
F. Arbogast seconded. The motion carried with all voting in favor.

#### Market Square Meter Removal Request

The owner has requested some meters be removed where there are vacant units and to have the account placed on inactive status. Five meters have been removed over the recent years. The water can't be turned off at the curb as there are no stops for these accounts. They are not expanding store space.

S. Walters moved that for commercial customers the charge for removing and disconnecting a meter is \$100.00 and the charge to re-install the meter is \$100.00 with the account being placed on inactive status.

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

#### Shut Off and Restoration Fee for Non Payment of Bills

The fee of \$40.00 to shut off and \$40.00 to restore service in the event of non-payment has been this amount for quite some time. The Secretary asked if Council would increase this fee.

F. Arbogast moved to increase the shut-off fee to \$75.00 and \$75.00 for restoration.

D. Kraatz seconded. The motion carried with all voting in favor with one opposition, S. Walters, who felt it was excessive.

### **Public Roads & Lighting** – M. Sharkey

#### Street Sweeper

The street sweeper began on April 3 and is finished.

#### North Main Street Pole Relocation

Met Ed placed a One-Call to have all utilities marked. There is no specific time for the project to start. We are still waiting for the PennDOT permit and curb removal will begin after the poles are relocated. The concrete contractor is lined up to form and pour the new curbing at a price of \$9,515.00.

### Drainage Swale

The drainage swale between CVS and EPCO Plaza on Constitution Avenue has had the vegetation removed.

### Road Survey

Supt. Sweitzer presented the road survey for the year with ratings and comments.

### Road Paving

We are waiting for paving core samples from Hill Street and Onion Boulevard before the paving contract is designed. Highland Drive and Sunset Drive were sampled today to determine a good paving plan.

### Winter Maintenance Costs

Supt. Sweitzer presented winter expenses for the past five seasons which is on file.

## **Public Lands, Buildings and Finance** – F. Arbogast

### 2017 Audit Report

F. Arbogast, S. Walters and R. Buchanan met with the auditor last week and reviewed the audit report.

F. Arbogast moved to appoint approve the 2017 audit report as presented.  
S. Walters seconded. The motion carried with all voting in favor.

## **ENGINEER'S REPORT**

### Apple Tree Court Stormwater Basin Discharge

We are still waiting on suitable conditions to do the work.

### PennDOT Exit 4 Stormwater Management

All previous comments were addressed at the Wellhead Protection meeting. A couple of new concerns were raised and the engineer agreed to make the appropriate changes. Mike Danko of the U.S. Army Corps of Engineers cannot do the Phase I bog turtle assessment as they are regulated under the Fish and Wildlife Service.

#### Deer Creek Pump Station Wet Well Expansion

The contract documents will be complete by the end of April for bidding in May and awarding at the May Authority meeting and June Council meeting.

#### 2018 Streets

Eng. Lipinski is recommending a full depth reclaiming of South Hill Street and South Sunset Drive. Onion Boulevard will be a cold in-place recycling. North Highland Drive will be base repair, paving fabric and wearing course overlay done by MACMOR. Geotechnical samples have been taken and will be tested.

#### Market Square Stormwater Issue

Eng. Lipinski is performing more detailed stormwater runoff analysis and calculations.

#### Johnson Controls EDUs

The water consumption data and EDU allocation appears to have decreased quite a bit from the last quarter usage of 23 EDUs.

### **SOLICITOR'S REPORT**

#### Eitzert Farms Recreation Fees

A few additions and modifications were made to the Recreation Fee Payment Plan Agreement.

S. Walters moved that the revised Recreation Fee Payment Plan Agreement be signed.

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

#### Act 43 of 2017 New PA Fireworks Law

The new law took effect October 30 and allows consumers to purchase consumer fireworks including firecrackers, Roman Candles, bottle rockets, and similar fireworks that contain a maximum of 50 milligrams of explosive material.

Kennel

After researching the Americans with Disabilities Act, it was concluded that dogs being housed that are emotional support animals would not exempt such animals from being counted for the purposes of determining whether a building is a kennel under our zoning ordinance. The exemption would apply if an individual with a disability required a service animal or an assistance animal as an accommodation for that disability. It was noted that a state license is required to board dogs, even one dog. One dog being boarded triggers a state license requirement and the fifth animal triggers a kennel based on our zoning ordinance. A letter to the property owner on Tree Hollow Drive will be sent by Sol. Rehmeier and Codes Enforcement to raise concern based on the analysis. The owner will be reminded that proof of licensing from the state is necessary too.

Southern Regional Police

Sol. Rehmeier is following the correspondence as the Borough is attempting to resolve this situation.

Recreational Vehicle Parking along the Street

The Zoning Officer asked for guidance as to whether a recreational vehicle may be parked along the street. It was concluded there is no restriction on parking such a vehicle on the side of a road in a residential area. The Borough does not enforce state law or any restrictions required by a homeowners or condominium association.

Fire Company Costs

The Fire Company is seeking an updated ordinance and resolution to better enable it to recover costs incurred in certain emergency response scenarios.

**Public Safety, Welfare and Personnel** – F. ArbogastWater License

Mark Ayres received his water license and should receive a \$1.00 an hour pay increase.

**Secretary's Report** – C. Bosley

The Secretary asked when the fire company would like to send its letter out asking for fire police assistance for the carnival. F. Arbogast will check with the fire police captain.

**York Adams Tax Bureau** – M. Sharkey

M. Sharkey reported the finance committee met and will present a draft allotment at the April 30 meeting. There is also an open house the week of April 23 if anyone is interested, contact M. Sharkey for the details.

**Subdivision, Land Development and Zoning** – D. Kraatz

**Planning Commission** – D. Kraatz

S. Walters attended Monday evenings LGAC and both Hopewell and Shrewsbury Townships are interested in a mini-casino going in their municipalities.

**UNFINISHED BUSINESS**

**NEW BUSINESS**

Issue Control Sheet

K. Wills stated he spoke with Rep. Kristin Phillips-Hill about the condition of the sidewalks and he will set up an appointment with her. He also wants to place an article in the next newsletter.

New Electric Rate Charge

APPI submitted a new rate from Constellation Energy at 0.05176.

F. Arbogast moved to approve the new rate and the agreement pending review by Sol. Rehmeyer.

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

Damaged Mailbox Replacements Snow Removal

The fee of \$25.00 to reimburse a property owner when a mailbox is damaged due to snow removal has been in place for a long time. A resident at 17 Brook Meadow Circle received a check for \$25.00; his post was rotted out.

S. Walters moved to set a price for reimbursement between \$50.00 – 100.00 at the discretion of Supt. Sweitzer for damage reimbursement.

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

**COMMUNICATIONS**



A complaint was received from Kenneth Thomas of 33 Berkshire Drive, regarding the fourth quarter billing for water sewer and trash when the bill showed no water was used and no trash was placed out for collection. The water and sewer were connected on October 31, 2017, and the practice is if a new home is connected for the majority of a quarter, it receives a bill. It was noted the U & O was not issued until the first quarter of 2018.

S. Walters moved to return the fourth quarter amount to Kenneth Thomas and to bill the builder for that amount.

T. Nadobny seconded. Upon further clarification, the property was owned by the Thomases so they should have been billed and should collect the funds from the builder.

S. Walters moved to rescind the motion.

K. Wills seconded.

S. Walters moved that Sol. Rehmeyer work on a letter with the Secretary to send to the Thomases that as the owner of the property, they are responsible for the bill and they could try to collect reimbursement from their builder since he still had control of the property during this time.

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

### Executive Session

An executive session was called at 10:18 p.m. to discuss pending litigation and a real estate matter. The meeting was reconvened at 11:02 p.m.

R. Buchanan announced that no decision can be made on the status of 44 South Main Street until the police issue is resolved and if they will need to relocate from the current offices in New Freedom.

### ADJOURNMENT

T. Nadobny moved to adjourn the meeting at 11:05 p.m.

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

Submitted by Cindy L. Bosley, Sec.