

MINUTES

SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

AUGUST 12, 2009

PRESENT: Mayor James W. Reedy, Michael R. Caum, Thomas D. Metz, Michael W. Ridgely, 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; William Gohn; Phil Robinson; Attorney Stacey MacNeal

The regular meeting of the Borough Council convened at 7:31 p.m. in the Borough Municipal Building, 35 West Railroad Avenue, with President Schnabel presiding.

CITIZEN'S COMMENTS

Phil Robinson, 18147 Amanda Lane, New Freedom, stated he was representing himself and a lot of property owners who need sewerage for land in Shrewsbury Township. Attorney Stacey MacNeal, representing Hill Management (former Kmart shopping center) was also present. Phil stated he would like to give a presentation in response to Buck's Sewer 101 meeting.

Solicitor Rehmeyer stated the Borough's position was given previously that based on the report prepared by Eng. Holley, and accepted by the Borough, there is no sewer capacity left for the Hill Management property. The Borough is not selling to anyone outside the Borough limits. The Borough feels the issue is resolved and since one letter from Attorney MacNeal threatened to sue the Borough, any contact should be through Sol. Rehmeyer.

William Gohn of Sieling Road, New Freedom, introduced himself and stated he has submitted an application to the Zoning Hearing Board for a special exception to use 21 South Hill Street for a piano storage business and has also filed a variance for use of the upstairs apartment by him or a manager. The Planning Commission approved the piano storage business and the apartment as long as it meets Borough and State codes, the apartment must be vacated if the use of the structure is discontinued, the Borough must be satisfied with all legal issues and

the apartment must be monitored to ensure the owner or a legitimate employee only resides there.

Council will leave the decision up to the Zoning Hearing Board.

APPROVAL OF MINUTES

E. Stoley moved to approve the minutes of the July 8 meeting.

M. Caum seconded. The motion carried with all in favor. C. Skoglund abstained as he was not at the July 8 meeting.

APPROVAL OF EXPENDITURES AND REPORT OF ACCOUNTS

M. Ridgely moved to approve the expenditures and report of accounts for June.

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

BILL LIST

The bill list for July was presented. General account: check numbers 9609 thru 9645; Water account: check numbers 4222 thru 4231; Sewer account: check numbers 4064 thru 4071; Highway Aid account: check numbers 802 thru 804.

M. Ridgely moved to approve the July bill list.

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

APPROVAL OF PAYROLL REGISTER

M. Ridgely moved to approve the July 14 and 28 payroll registers.

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

SUBDIVISION AND LAND DEVELOPMENT BUSINESS

Southern Regional Police Department

Codes Enforcement – E. Michael Lee

Illegal Business at 117 South Main Street

There is an illegal lawn mower repair business being run out of the barn at 117 South Main Street. An enforcement notice has been sent.

Anonymous Complaints

No anonymous complaints will be addressed. The Borough's complaint form must be used and the completed forms are public records.

Water & Sewer

Taylor GeoServices, Inc.

Sol. Rehmeyer prepared an addendum to the contract to allow the Borough more time to pay and if there are any disputes, they are to be resolved in York County. Council had previously approved the spending to study potential well sites.

E. Stoley moved to approve the contract addendum with Taylor GeoServices, Inc. M. Caum seconded. The motion carried with all in favor.

Geothermal Wells

A resident is proposing to install three geothermal wells that would be 165 feet deep and would use the groundwater's heat for the house system. The property is outside of the Wellhead Protection zone. Allowing the geothermal wells would negate the Borough's work to abandon all private wells to eliminate the conduit to our groundwater.

Ordinance #78 prohibits the drilling of private wells for use within the Borough. One factor involved with the geothermal heating system is a chemical or another fluid can be added to help boost the temperature of the water. If this chemical would accidentally get out of the closed-loop heating system, it could get into the Borough's water system since the wells are deep. Ordinance #78 would not permit such use and the Borough is prepared to enforce it, but we will look at the ordinance to update it to address the methods and means by which a geothermal well would be allowed but still protect the Borough's water source. We could require professional design and installation with a food-based anti-freeze solution to be used with encasement to prevent leakage.

M. Ridgely moved that the permit application be rejected at this time under Ordinance #78, but that the Borough will be reviewing and amending the ordinance to allow the geothermal systems under safe guidelines to protect the Borough's water sources.

E. Stoley seconded. The motion carried with all in favor except M. Caum, who disagreed with the interpretation of Ordinance #78.

Mike Lee will send a letter to the home owner that the geothermal system cannot be installed at this time, but Council is taking the matter under advisement for further review until next month. The homeowner is welcome to attend the next meeting.

The intent is to deny the request and to review the ordinance for amendment and that Sol. Rehmeyer is authorized to work with Mike Lee to enforce the Ordinance.

M. Ridgely stated the clarification is correct that his intent was to enforce Ordinance #78 prohibiting the geothermal wells at this time.

E. Stoley seconded. After the vote, M. Caum was still opposed.

Onion Boulevard Fire Line

The fire lines have been replaced for the properties on Onion Boulevard.

Smith Brothers Monitoring Wells

A letter was sent to the property owner to the east, but there has been no response.

Sewer Flows

The July sewer flows are 612,000 gallons per day compared to last year's July flow rates of 698,000 gallons per day.

Public Roads & Lighting – Christopher M. Skoglund

South Entrance Shrewsbury Square Shopping Center

The magistrate cannot find motorists guilty for making a left turn out of the south entrance because the delineators direct the vehicle to be northbound and then a U-turn is made.

Council authorized the Secretary to request a traffic study for the placement of "No U-turn" signs to be erected along Mt. Airy Road.

Paving Project

Paving began on Northbrook Lane on August 7. South Highland Drive will be paved next.

Chief Childs will be asked to place the speed trailer periodically on Northbrook Lane.

Crack Sealing

Crack sealing will begin on August 17. The material was purchased last year with the labor and equipment rental being the charge for this year.

Public Lands & Buildings and Finance – Michael W. Ridgely

Scout House Renovations

A representative of the Scouts will be at the September meeting.

New Truck

The 2009 GMC 4500 truck with plow was delivered on August 6. The cost was \$58,105.06.

Playground Fitness Trail

The fitness trail needs a lot of work.

E. Stoley moved to remove the fitness trail and to consider placing swing sets in this area.

M. Caum seconded. The motion carried with all in favor.

2010 Budget Meetings

Meetings will be held on October 7; October 21; November 4, November 18, and December 2. Tentative budget will be adopted on December 9 and final budget to be adopted on December 28. Input should be gotten to M. Ridgely by September 15.

Split of General Account Line #409.36

The Building Utilities line should be split between the three accounts: General 50%; Water and Sewer each 25%.

M. Ridgley moved that the Building Utilities line #409.36 be split three ways.
E. Stoley seconded. The motion carried with all in favor.

ENGINEER'S REPORT

Sewer Relocation Project Windy Hill Road

The Borough will be reimbursed 50% of the cost to relocate the two manhole runs. Permission should be given for the President and Secretary to sign the agreement for reimbursement on the Borough's behalf.

M. Caum moved that the President and Secretary execute the Utility Reimbursement Agreement on the Borough's behalf.
C. Skoglund seconded. The motion carried with all in favor.

SOLICITOR'S REPORT

Ordinance #2009-1 Flood Plain

E. Stoley moved to adopt Ordinance #2009-1.
M. Ridgley seconded. A roll call vote was taken with all in favor.

Weed Ordinance

The proposed limit is six inches with notice given being 24 hours to five days. An hourly rate needs to be assessed if the Borough does the work or an outside contractor can be hired.

EXECUTIVE SESSION

An executive session was called at 8:58 p.m. to discuss potential litigation.
The meeting was reconvened at 9:37 p.m.

Public Safety, Welfare and Personnel – Michael R. Caum

Penn Mar Recycling Outside Storage

It appears the property has been cleaned up.

Sidewalk/Curb Block Grant

The Borough did not qualify for the block grant. Ordinance #2008-3 was reviewed and Section three states the height differential between gaps shall not exceed one half inch. T. Metz offered to investigate Home Town grant information. If this is not feasible, a letter will be sent to property owners in Phase I of the curb/sidewalk project asking them to comply with the ordinance, if necessary.

Resignation of Michael Caum

M. Caum submitted his resignation effective at meeting close as he is moving from the Borough.

Council regretfully accepted Mike's resignation and thanked him for his service on Council.

Secretary's Report – Cindy L. BosleyYork Area Tax Bureau – Thomas D. MetzSubdivision, Land Development and Zoning – Eric W. StoleyPlanning Commission/Regional Planning Commission – Eric W. Stoley

The Planning Commission met to review the zoning hearing applications for an eatery at 14 North Main Street and for the piano moving and storage business and apartment use at 21 South Hill Street.

E. Stoley reminded Council to provide him with comments on the proposed regional comprehensive plan.

Vacancy on Planning Commission

Two applications were received. Lawrence Agulnick and Russell Palmer. Both are well qualified but Mr. Palmer has a history of volunteerism in the community and has resided in the Borough longer.

E. Stoley moved to appoint Russell Palmer to the Planning Commission to fill Bill Stumbo's unexpired term. Mr. Palmer's term will expire on July 15, 2011.

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

UNFINISHED BUSINESS

NEW BUSINESS

Re-appointments

E. Stoley moved to re-appoint Keith Wills to the Planning Commission with a new term to expire July 15, 2013.

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

M. Caum moved to re-appoint Joel Wickens to the Shade Tree Commission with a new term to expire February 1, 2014.

Return-To-Owner Fee

C. Skoglund moved to raise the return-to-owner fee for found dogs/cats from \$25.00 to \$50.00.

M. Ridgely seconded. The motion carried with all in favor.
The Borough retains these fees.

COMMUNICATIONS

M. Ridgely stated he will not be at the September meeting.

ADJOURNMENT

C. Skoglund moved to adjourn the meeting at 10:08 p.m.

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

Submitted by,
Cindy L. Bosley, Sec.