

## MINUTES

## SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

FEBRUARY 8, 2012

PRESENT: Mayor Peter W. Schnabel, Richard R. Buchanan, Carl W. Munch, Michael G. Sharkey, Christopher M. Skoglund, Eric W. Stoley and Jason J. Traband

## OTHERS

PRESENT: Jeffrey L. Rehmeyer, II, Esq.; David Lipinski, P.E.; Brian L. Sweitzer, Supt. of Public Works; Anthony Myers, Fire Chief; E. Michael Lee of Codes Enforcement; Nathan Kirschman, Larry Zimmerman, and Ted Nadobny

The regular meeting of the Borough Council convened at 7:34 p.m. in the Borough Municipal Building, 35 West Railroad Avenue, with Vice President Buchanan presiding.

**CITIZEN'S COMMENTS**

Ted Nadobny, of 3 Brook Meadow Circle, stated he is still interested in the Municipal Authority vacancy.

Nathan Kirschman, of 1 Shetland Drive, said Comcast's charge to provide high speed internet at the new scout house is excessive. He inquired about networking that site with the municipal building.

The Secretary will contact our municipal representative at Comcast to see if this building can be provided with free high speed internet service.

Anthony Myers, 19 Berkshire Drive, stated there is a considerable amount of door-to-door soliciting occurring. No registration form is currently provided so it's very unlikely the solicitors have registered with the Borough office. Sample ordinances were handed out and Council should get its comments to Sol. Rehmeyer.

York County Advanced Tactical Rescue Team

A formality letter was received from the Department of Emergency Services for the Borough to sign that gives approval for the team to respond in special rescue events. Tony said the team responded to about 65 calls last year.

M. Sharkey moved that Vice President Buchanan sign the formality letter approving the dispatching of the York County ATR to all special rescue responses. C. Skoglund seconded. The motion carried with all in favor.

### Equipment Grant

Tony said the amount of \$260,000.00 was received from a joint FEMA grant application for Shrewsbury, Stewartstown, New Freedom and Glen Rock fire departments to purchase radios to be able to speak with northern Maryland fire departments during calls for services. Also, a grant in the amount of \$10,000.00 was received from the State to purchase a new detection meter for hazardous materials and to purchase other equipment.

### Southern Regional Police Commission

Tony announced that he is the Chairman of the Police Commission.

### Fire Department Appreciation Banquet

M. Sharkey stated the fire company presented the Borough with a certification of appreciation. M. Sharkey accepted the certificate on behalf of the Borough. Tony stated membership is on the decline. It takes 250 hours of training to become a certified fire fighter.

## APPOINTMENTS

### Municipal Authority Vacancy

Ted Nadobny, of 3 Brook Meadow Circle, stated he is still interested in the Municipal Authority vacancy.

M. Sharkey moved to appoint Ted Nadobny to the Municipal Authority. E. Stoley seconded. The motion carried with all in favor.

### Registered Elector Vacancy

E. Stoley moved to appoint John LaMartina as the Registered Elector for the Borough.

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

Both vacancies were advertised in the local newspaper.

### **APPROVAL OF MINUTES**

The minutes of the January 3 meeting were approved by unanimous consent by those who were at the meeting.

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

C. Skoglund moved to approve the December, 2011, report of accounts.

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

C. Skoglund moved to approve the January, 2012, report of accounts.

J. Traband seconded. The motion carried with all in favor.

### **BILL LIST**

The bill list for January was presented: General account: check numbers 10973 thru 11015; Water account: check numbers 4693 thru 4708; Sewer account: check numbers 4424 thru 4438; Highway Aid: check numbers 852 thru 854.

C. Skoglund moved to approve the January bill listing.

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

### **PAYROLL REGISTER**

C. Skoglund moved to approve the January 9 and 23 payroll registers.

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

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

McCleary Subdivision – Seven Lots

A preliminary plan was received to subdivide the McCleary tract along Plank Road. The plan proposes the extension of Greenview Drive with a cul-de-sac. E. Stoley proposed the road not end in a cul-de-sac and exit onto Plank Road where Northbrook Lane intersects. This will give this and the Brookview Meadows II development two accesses for public safety.

**Southern Regional Police Department**

Mayor Schnabel stated Shrewsbury Borough leads in the number of calls. The Commission needs to keep the level of resources at the current level in order to stay ahead of pending crime.

Alarm Ordinance

Every year, the office sends a blank alarm registration form to about 120 home owners. About half are returned or a home owner will call and say there is no change. Chief Boddington stated the police department does not use this information as they obtain the information from other sources. When there is an alarm call to 911, the alarm company gives the dispatcher the contact and other information. Chief Boddington stated the department can also track false alarms in their system.

E. Stoley moved that the office does not need to send renewal forms out but that an article be placed in the newsletter that new alarms should be registered and reminding residents they could be fined under State law for repeat false alarms. C. Munch seconded. The motion carried with all in favor.

**Codes Enforcement** – E. Michael LeeEnforcement Proceeding

At the hearing for 133 South Main Street, the district magistrate suggested the property owner speak with Mike and the attorney to work out a settlement. The proposed settlement is that the property owner will pay all of the Borough's fees and to clean up the junk. Mike stated that as of today, a very good attempt has been made to clean up.

E. Stoley moved to approve the settlement arrangement whereby the home owner cleans up his property and pays all of the Borough's expenses.

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

#### 16 North Main Street Sale of Wine

In the 1990s, a special exception was granted for bottled wine to be sold in the rear building at 16 North Main Street. That wine shop vacated and a new wine business is interested in selling bottled wine inside the main building. Since the Borough is a dry town, the Department of Agriculture was involved in the approval which was granted as the vineyard was local.

Mike will check with the Department of Agriculture and since there is a pre-existing special exception the use can go in if approved by the Department of Agriculture.

#### Shrewsbury Square Shopping Center

One pad site with two businesses was modified and there is room for two more small stores. Extra water and sewer EDUs will need to be purchased for the new units.

#### 430 South Main Street Water and Sewer

This building was never connected to the water and sewer and has been vacant for over 30 years. When the property was sold, one water and one sewer EDU fees were collected. Mike stated he has had several conversations with the new owner about the owner's thoughts that he can do anything he wants with the building. It was previously one use and the new owner would like to have multiple uses in the building. B. Sweitzer stated the owner called him and asked that a one inch water line be installed under the roadway. If the property needs to have sprinklers installed, a one inch line will not be sufficient. The property will need to conform to the building code and if there are multiple tenants proposed, firewalls will need to be installed. Even if used for storage, it must be governed by the building code. This is a very old building and is a fire hazard. A special exception will be required to classify the building as a shopping center. Multiple water and sewer EDUs will need to be purchased. A meeting needs to be held with the property owner to see what he wants to do and to tell him what all will be required. B. Sweitzer will not install the one inch water line.

A meeting will be held with the property owner, Mike Lee and Brian Sweitzer.

### Water & Sewer – Richard R. Buchanan

#### 2011 Water Pumping Totals

The difference between the gallons pumped and gallons billed in 2011 is less than 1%. The State recommends no more than 10% of unaccounted water, which is water that is not metered (leaks, hydrant flushing, fires, etc.).

#### 2011 Sewer Flow Totals

The sewer flows for 2011 were at 46.37% of the total plant load. B. Sweitzer presented sewer flow history:

2006 Shrewsbury Sewer Flows	277,244,000 gals.	58% NFWWTP
2007 Shrewsbury Sewer Flows	272,211,551 gals.	58% NFWWTP
2008 Shrewsbury Sewer Flows	261,353,596 gals.	56% NFWWTP
2009 Shrewsbury Sewer Flows	230,354,000 gals.	50% NFWWTP
2010 Shrewsbury Sewer Flows	207,523,000 gals.	44% NFWTTP
2011 Shrewsbury Sewer Flows	218,644,000 gals.	46% NFWTTP

#### Water Rate Increase

R. Buchanan's plan was to increase the base rate by 50% but now, he'd like to increase the base rate by 60 – 65% which would be less of a gamble.

#### Ginza Restaurant

The Municipal Authority will address this grease trap issue at its February meeting. The establishment has failed to produce any grease trap maintenance records. The grease trap Dumpster also was completely filled to capacity.

#### SRBC Blouse and Smith Wells Re-Permitting

As part of the 72-hour pump test, monitoring wells are required to prove an adequate supply of water exists. Six wells are required and a sample letter was provided to send to each property owner and get their approval.

**Public Roads & Lighting** – Eric W. StoleyAgreement with PennDOT for Electronic Access

E. Stoley moved that President Ridgely be authorized to sign the Agreement to Authorize Electronic Access to PennDOT Systems.

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

West Clearview Drive Drainage Problem

B. Sweitzer spoke with the owner of 50 West Clearview Drive about the drainage problem and he is very interested in signing a right-of-way agreement to complete the work.

Street Sweeping

Ross Industries will sweep the streets at a price of \$720.00 a day which will take place between April 2<sup>nd</sup> through the 13<sup>th</sup>.

**Public Lands, Buildings and Finance** – Christopher M. Skoglund2011 Budget Compared to Actual

C. Skoglund prepared a report showing the actual expenses compared to the amount budgeted.

**ENGINEER'S REPORT**Stormwater Ordinance

In order to make the ordinance less cumbersome, Eng. Lipinski is still making minor modifications and should give it to Sol. Rehmeyer next week.

Staff Review

21 South Hill Street and the McCleary preliminary subdivision plan will be in front of staff review next Tuesday.

### Planning Module Lot Constitution Avenue

Shrewsbury Township allowed Baron Matthews to subdivide a lot along Constitution Avenue without a sewer EDU. The plan was recorded and DEP is requiring public sewer for the created second parcel. Matthews is in the process of reserving an EDU through the Township. The least expensive route to connect to the sewer is to install a grinder pump and force main to connect just west of the pet shop along Constitution Avenue in the PennDOT right-of-way. The other method would have involved crossing under the Stewartstown Railroad right-of-way with an annual rental fee.

B. Sweitzer stated Matthews will be filing eight plans to present to the Municipal Authority at its February 22 meeting. If the Authority approves the connection plan and Matthews obtains an EDU from the Township, then a letter will be sent to New Freedom Borough for an approval letter and then the planning exemption can be signed.

### **SOLICITOR'S REPORT**

#### Cable Services

The current cable franchise agreement expires December 15, 2014, with an automatic five year extension. The Cohen Law Group, from Pittsburgh, deals solely with the negotiation of cable franchises which may help the Borough maximize the cable franchise renewal and achieve better service. Sol. Rehmeyer will provide some additional information.

#### Regulation Issue Involving Comcast Communications

A Petition for Special Relief was filed by Comcast. The Petition involves 18 municipalities in the York County area and the Borough was included. The Petition asks to have removed governmental regulation of the broadcast basic cable rate but the Borough did not elect to regulate the basic cable rate. The Petition should have no impact on the Borough.

#### PennDOT EDU Agreement



Assistant Counsel Sharp acknowledged receipt of Sol. Rehmeyer's letter dated January 6 and indicated that he is updating the administrators at PennDOT on the issues again so negotiations can continue.

### Monitoring Wells

Sol. Rehmeyer's office is working with Supt. Sweitzer on the draft letter to be sent to the property owners regarding the 72 hour well pump tests.

### **Public Safety, Welfare and Personnel** – Michael G. Sharkey

#### Public Works Vacancy

Over 120 resumes were received. Final interviews were held on February 7.

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

#### **York Area Tax Bureau** – Michael G. Sharkey

Draft minutes of the last meeting were received. M. Sharkey stated he was part of the tax collection committee that will be disbanding.

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

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

E. Stoley stated a Regional Planning Commission meeting was held last evening and he is now the Chairman. The Commission will not dissolve but will meet on an as-needed basis. Since there is a surplus of funds, no dues will be collected for several years and the cost to advertise the joint meeting ad will continue to be paid from the Commission's funds. If a member withdraws, they must ask for a refund within 30 days.

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

Issue Control Sheet

The issue control sheet was reviewed and updated.

S.P.C.A.

A letter and a sample ordinance were received from the S.P.C.A. pertaining to the tethering of outside dogs. Nothing will be done at this time.

**COMMUNICATIONS**

Post Prom Party Donation

A donation was again requested for the post prom party at the high school.

C. Skoglund moved to donate the amount of \$50.00.

E. Stoley and M. Sharkey seconded. The motion carried with all in favor.

**EXECUTIVE SESSION**

An executive session was called at 10:20 p.m. to discuss current litigation. The meeting was reconvened at 10:30 p.m.

**ADJOURNMENT**

E. Stoley moved to adjourn the meeting at 10:30 p.m.

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

Submitted by,  
Cindy L. Bosley, Secretary