

MINUTES
SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

MAY 8, 2013

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

OTHERS

PRESENT: Brian L. Sweitzer, Supt. of Public Works; Jeffrey L. Rehmeyer, II, Esq.; David Lipinski, P.E.; Keith Hunnings of South Penn Code Consultants; Fire Chief Tony Myers; Stan Walters, Emergency Management Coordinator; Larry Zimmerman; Atty. Andrew Miller; Russ Palmer of SYC Youth Club; Gary Stewart; Dennis Wertz; Greg Reed and Michael Gesell representing Kimco Realty

The regular meeting of the Borough Council convened at 7:33 p.m. in the Borough Municipal Building, 35 West Railroad Avenue, with Vice President Buchanan presiding.

CITIZEN COMMENTS

Russ Palmer, representing the SYC Youth Club, stated there are two teams using the ball field that do not properly maintain the field after use. Games are played when the field is muddy and then left to dry that way. Representatives from these two teams will be asked to attend the next meeting to discuss rules for using the ball field.

Dennis Wertz, one of the applicants regarding the vacancy on the Municipal Authority, was present and asked to speak a little about his letter of interest. The other applicant, Tracy Ridenour, was not present. Mr. Wertz was on Council in the early 1970s and was on the water and sewer committee at that time.

C. Munch moved to appoint Dennis Wertz to the Municipal Authority given his public service experience.

M. Sharkey seconded. The motion carried with all in favor. The other applicant's letter will be kept on file.

APPROVAL OF MINUTES

The minutes of the April 10, 2013 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 April expenditures and report of accounts.
E. Stoley seconded. The motion carried with all in favor.

BILL LIST

The bill list for April was presented: General account: check numbers 11619 thru 11669; Water account: check numbers 4946 thru 4969; Sewer account: check numbers 4627 thru 4642; Highway Aid: check numbers 868 thru 870.

C. Skoglund moved to approve the April bill list.
E. Stoley seconded. The motion carried with all in favor.

PAYROLL REGISTER

C. Skoglund moved to approve the April 1, 15, and 29 payroll registers.
M. Sharkey seconded. The motion carried with all in favor.

SUBDIVISION AND LAND DEVELOPMENT BUSINESS

Shrewsbury Square Shopping Center

Atty. Andrew Miller spoke on behalf of Kimco Realty and the three variance requests that were heard by the Zoning Hearing Board in April. A front corner parcel is proposed to be subdivided for a Members 1st Credit Union. The variance requests were for impervious surface coverage, landscape buffer, and access. Atty. Miller wanted to show Council the proposed plan and explain the need for the variances. He said the variance request for the impervious surface is being withdrawn as the area was recalculated and does meet the ordinance. The variance from a buffer requirement on the south side is requested as the parking for the credit union would be contiguous with the parking for the shopping center. The variance from the driveway requirement is requested as a permanent, recorded easement would be recorded on the subdivision plat and, if Council desired, a separate easement agreement could be recorded with the subdivision plat as an attachment. PennDOT would not grant a highway occupancy permit for a separate driveway that close to the signaled intersection.

Council is concerned with future ownership of a subdivided lot and the precedent set by not requiring a separate driveway if disputes arise out of maintenance of the shared driveway, etc.

and creating a land-locked lot. There was also discussion that Kimco should have presented a subdivision and land development plan prior to going to the Zoning Hearing Board.

There was also discussion about the south entrance and the traffic violations that occur with motorists making a U-turn or left turn when exiting. Council asked Mr. Reed if the exit only (not entrance) could be closed off to which he stated it's a requirement of the lease with Giant and Chick-fil-A and he would need to check with them for permission to give the Borough a copy of those leases.

The main concern of Council with the requests is the driveway. It was the consensus of Council to see what the Zoning Hearing Board decides.

Southern Regional Police Department – Richard R. Buchanan

Buck highlighted the report for March. He stated Chief Boddington and the senior officer from Stewartstown Police Department met and have come up with an equipment value. Stewartstown Borough will be holding a public meeting and three representatives from the Police Commission will make a presentation.

Codes Enforcement – Keith Hunnings

Three permits were issued in April and six complaints were handled.

YMCA Pavilion

A few years ago, the YMCA requested a waiver from having to do a land development plan for a pavilion. They are ready to proceed and plan to handle storm water with seepage pits. However, since one end will be enclosed and will have water and sewer connections, a land development will be required.

Chessie's Crabs

A new owner would like to park a temporary trailer on wheels behind the current business for more room to steam crabs. There was discussion whether this would be an accessory use and if the trailer would be a structure and would need a land development plan. There would not be sanitation for this trailer. Council was concerned with steam drain off and odor. Keith was asked to tell the new owner that Council is not comfortable with the proposal in that it could become a nuisance and he could come and speak at the next meeting.

PenMar Recycling, Onion Boulevard

Eng. Lipinski has concerns with the underground storm water and would like the inlets televised to make sure they are open and working. Keith said he can issue a building permit with conditions or hold off issuing a permit until Eng. Lipinski is satisfied.

Water & Sewer – Richard R. Buchanan

Brookview Meadows Sewer Replacement

Kinsley Construction replaced 385 feet of sewer line that had sags and dips that caused a sewer clog. The pipe work cost was \$61,463.00 with an additional \$9,800.00 to restore the area.

Woodland Tank Exterior Repairs

Holley & Associates will prepare a bid specification for the exterior water tank repairs at a cost of approximately \$21,692.00.

Brookview Meadows Sewer Line Replacement

Holley & Associates will prepare a bid specification for the replacement of a failed sewer line in the Brookview Meadows development. This sewer line is next to the previously repaired line.

Blouse Well Testing

The 72 hour pump test will be done in May or June. Monitoring transducers were installed in several monitoring wells that will be evaluated during the testing.

Stonebridge EDUs

The Secretary updated the EDU usage last month for the Stonebridge Business park at the request of Gary Stewart of Stewart Properties. The businesses are using 109 of the 171 EDUs purchased for this area. The remaining 62 EDUs are being requested by the proposed Johnson Controls. Home Depot was given permission by the Municipal Authority to install a deduct meter in the garden department to cut down on their sewer bill but it will not lower the EDUs. Currently, eight are assigned and it is using 17. Mr. Stewart is willing to promise the 62 remaining EDUs to Johnson Controls and will get additional capacity to develop the remaining tracts using new sewer treatment technology. Mr. Stewart was told not to expect an expansion of EDUs through Shrewsbury Borough or the Authority. Mr. Stewart was asked to seek the help of the Municipal Authority for enforcement issues for other lot owners who are exceeding their EDU allocation.

Public Roads & Lighting – Eric W. StoleyPavement Markings

PennDOT notified Shrewsbury Township that the traffic markings at the intersection of East Forrest Avenue and the Shrewsbury Professional Center need to be refreshed. The stop bars, turn arrows, and pedestrian crossings are faded and are no longer visible. PennDOT will not release the grant money for the LED signal lights until the markings are redone. The Township requested the Borough's assistance to perform the work since we have the equipment to install the markings. The Township and the Borough share responsibility of the PennDOT permit for the signalization with the Township holding the permit. We would bill the Township for 50% of the labor and supplies. Materials would cost around \$2,500.00 with labor being around \$1,080.00 for a total of \$3,580.00.

E. Stoley moved to authorize the spending of \$1,250.00 for our share of the materials and half of the labor to mark this intersection.

M. Sharkey and J. Traband seconded. The motion carried with all in favor. This expense should be paid from the General fund.

Street Paving Bids

The bid is for Bridle Road only as next year Columbia Gas Company plans to replace three services on West Linden Avenue and has agreed to repave the street at their cost with the exception of the intersection with North Main Street. The bids are as follows:

| | |
|----------------------------|--------------|
| Kinsley Construction | \$ 83,478.00 |
| Fitz & Smith | \$ 94,384.60 |
| H & H General Excavating | \$100,830.00 |
| Shiloh Paving & Excavating | \$115,655.00 |

E. Stoley moved to accept all of the bids but to award the contract to Kinsley Construction in the amount of \$83,478.00.

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

Street Sweeper

Ross Industries finished sweeping on April 15 with 72.75 hours at \$90.00 per hour for a total of \$6,547.50. Last year, the bill was for 84.25 hours at \$90.00 per hour for a total of \$7,582.50.

Roads Inspection

E. Stoley stated that B. Sweitzer did a fine job of inspecting and inventorying all of the Borough streets according to need for attention.

50 West Clearview Drive Drainage

Glenn Eyster signed the right-of-way agreement for drainage grading on the Eyster property. The next step is the highway occupancy permit.

Public Lands, Buildings, and Finance – Christopher M. Skoglund

Fire Notification System

R. Buchanan reported that out of the three quotes, Select Security was the best option at a cost of \$7,953.00 for the system with the option for the Public Works garage system being included with Centras Fire Radio Kit (wire mesh system). The system will have four strobe/sounds lights for the municipal building and has a one year warranty. Buck would like to include panic buttons for the office staff.

M. Sharkey moved to approve the quote from Select Security and to include panic buttons. J. Traband seconded. The motion carried with all in favor.

ENGINEER'S REPORT

Storm Water Workshop

Eng. Lipinski would like to go over the proposed storm water ordinance in order for Council to make decisions. He recommends it be done at a work session since it could take a few hours. Council set Thursday, June 13 at 7:00 p.m. for the work session.

Heathcote Glen II

Since the final plan was rescinded, Phil Robinson is proceeding with installing and bonding improvements based on the preliminary plan. Eng. Lipinski provided figures to Shrewsbury Township for installation of the water and sewer and miscellaneous items for the portion of the development that's in the Borough to be part of one bond. Sol. Rehmeyer was asked to look at the language to make sure the portion of the bond for work in the Borough is specific for the money allocated to the Borough.

Southern Farms Sewer Block Grant

The amount of \$47,194.45 is still being withheld pending the completion of one lateral, sealing of the other laterals, and completion of the ten additional laterals.

Windy Hill Road Reimbursement

The Borough has not been reimbursed as yet and several attempts to contact Carl Wink of PennDOT have been unsuccessful. Sol. Rehmeyer was asked to send a letter to PennDOT.

Eitzert Development Surety

Eng. Lipinski completed the surety adjustments as part of the bonding renewals.

Manhole Identification Work

The field work has been completed.

2012 Proportionate Sharing Report

Eng. Lipinski stated Eng. Holley is still working with New Freedom Borough on this.

Sanitary Sewer Replacement Brookview Meadows

It is believed the work will be less than \$18,900.00 and three quotes may be sufficient.

Monitoring Waivers

The applications for waivers have all been submitted to DEP.

95 East Forrest Avenue Clean Fill

Eng. Lipinski met with the engineer at the site of the proposed fill from the median strip of I-83 in Maryland. They were told where to sample and to follow the chain of custody. There are multiple trenches measuring from 200 feet to 900 feet and over three miles of roadway. Digging is only three feet deep. Eng. Lipinski did not see any plant stress or dirt that looked out of the ordinary. Test results so far showed no contamination or spills and this fill may be coming to the site soon.

SOLICITOR'S REPORT

Eitzert Farms

An updated construction schedule was provided and the amended and restated mortgage will be filed before July 2. This will extend the deadline back to 2016.

E. Stoley moved to authorize Sol. Rehmeyer to work with the developer's attorney on the documents to extend.

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

S & A Homes Covington Ridge III

A second letter was sent to the developer with no response.

PennDOT EDU Agreement

PennDOT is processing the signed Agreement.

County Mitigation Plan

Sol. Rehmeyer prepared a resolution to adopt the County's plan. M. Sharkey asked for more time to review the plan. Stan Walters stated he attended the May 2 meeting and recommends the Borough adopt the plan or we will have to write our own plan. This will be discussed next month.

Firearms Regulation and Meetings

Research has shown that unless the meeting takes place in a court facility which includes offices of magisterial judges, prisoner holding cells, offices of the sheriff, etc. and adjoining corridors, the resident could bring a gun to a meeting. Municipal ordinances that regulate the acquisition, transfer and carrying of firearms are invalid.

Use of Radar

A House Bill was introduced that if passed would allow local police officers to use Radar.

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

Secretary's Report – Cindy L. Bosley

York Adams Tax Bureau – Michael G. Sharkey

M. Sharkey attended the April 29 meeting. One item of discussion was the amendment to the by-laws that would allow employees of the Tax Bureau to serve on the Board if appointed by

that municipality but not have voting powers. The other issue would be that over the years, different municipalities contributed specific amounts to a building fund and based on the real value of properties, especially commercial that have increased in value over the past years, that a thought was to change to a percentage as far as ownership. M. Sharkey stated his view was that as a Borough, any funds that would be ours should be returned to us with no ownership interest.

Subdivision, Land Development & Zoning – Eric W. Stoely

21 South Hill Street

The Zoning Hearing Board approved seven units instead of the requested eight units.

Planning Commission/Regional Planning Commission – Eric W. Stoley

UNFINISHED BUSINESS

NEW BUSINESS

Tony Myers, Fire Chief

Tony stated it has been a bad week with the recent death of Chief Rodney Miller of Loganville, who was struck by an alleged drunk driver while on a call in our territory. Tony stated laptops were installed in the units that will help with mapping and hydrant locations. The laptops were purchased through a \$13,000.00 grant. All of the department's self-contained breathing apparatus needs to be replaced and they are seeking a FEMA grant for the cost of \$130,000.00. Tony has been submitting reports to Council that show tracking of time for the volunteers. Fundraising still is an issue and volunteers are looking at other options. Adams County did a study and the recommendation is that every municipality in Adams County adopt a quarter mill fire tax to support fire services.

COMMUNICATIONS

ADJOURNMENT

E. Stoley moved to adjourn the meeting at 10:40 p.m.

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

Submitted,
Cindy L. Bosley, Secretary