

MINUTES

SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

OCTOBER 10, 2012

PRESENT: Richard R. Buchanan, Carl W. Munch, Michael W. Ridgely, Michael G. Sharkey, 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; Larry Zimmerman; Kent Raffenberger; Phil Robinson; Nate Kirschman; Brad Tracey; Richard and Pamela Selwood; James Myers

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

CITIZEN'S COMMENTS

James Myers, owner of 33 South Main Street

Mr. Myers was present to complain that he had to pay for a new meter recently. The property at 33 South Main Street has been sitting empty since 1999 when the Borough lost contact with Mr. Myers. There were two meter upgrades since 1999. One upgrade was to update the meter and replace the outside remote to be able to read with a touch-gun device and the second was to be able to read the remote while driving along the street. His meter was not able to be upgraded and he had to purchase a new meter and also a backflow preventor at the same time. Both are installed and Mr. Myers had the water turned back on at the curb. Mr. Myers was told that the Borough was correct in charging him for a new meter.

M. Sharkey entered the meeting at 7:35 p.m.

Richard and Pamela Selwood, of 13 Greenview Drive, stated they have been paying taxes on the detention pond since they purchased the house. The County and School District have refunded taxes back to 2007.

M. Sharkey moved to refund the Selwoods the amount of the Borough tax paid on the detention pond back to 2007.

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

Nathan Kirschman, 1 Shetland Drive, stated he had the cost of a third radio in the EMA budget. When he recently retired from the County, he asked for a radio which was given to him so the amount of \$800.00 can be reduced from the budget figure.

APPROVAL OF MINUTES

The minutes of the September 12 meeting were approved by unanimous consent by those who were at the meeting.

APPROVAL OF EXPENDITURES AND REPORT OF ACCOUNTS

The September expenditures and report of accounts will be deferred until next month.

BILL LIST

The bill list for September was presented: General account: check numbers 11318 thru 11356; Water account: check numbers 4820 thru 4839; Sewer account: check numbers 4525 thru 4541; Highway Aid: none.

E. Stoley moved to approve the September bill listing.
M. Sharkey seconded. The motion carried with all in favor.

PAYROLL REGISTER

E. Stoley moved to approve the September 3 and 16 payroll registers.
J. Traband seconded. The motion carried with all in favor.

SUBDIVISION AND LAND DEVELOPMENT BUSINESS

McCleary/Selwood Detention Pond

The detention pond currently on the Selwood property at 13 Greenview Drive is being subdivided off to be added to a lot in the Apple Tree Court (McCleary

property along Plank Road). The items still outstanding from the Planning Commission meeting are:

- 1) Certification with signature, seal and date by the registered professional surveyor responsible for preparing the survey.
- 2) Notes 11 and 12 need to be slightly revised again per Sol. Rehmeyer's comments
- 3) Detention basin operation and maintenance note 13 addresses the one-year requirement for maintenance to be done.
- 4) Payment of all fees.

E. Stoley moved to approve the final minor subdivision plan contingent on the four items listed above.

R. Buchanan seconded. The motion carried with all in favor. The plan will need to be resigned by all parties.

Apple Tree Court Temporary Grading Plan (revisited)

This plan was approved at the May Council meeting with a condition that each load of fill from the Messina site (in the Township in the southwest corner of East Forrest Avenue and Mount Airy Road at the top of the hill) was to be tested and certified to be free of contaminants by the engineer. E. Stoley followed a truck last Friday from the Messina site to the McCleary site(zone 2 of the Wellhead Protection zone) along Plank Road and asked if the load was tested and the construction crew had no knowledge of the requirement. Kent Raffensberger of Johnston and Associates admitted that each load was not tested but asserted that they followed the definition of clean fill as per the PA Department of Environmental Protection and researched the site viewing an aerial photo from 1937 that shows agriculture and what appears to be an orchard and an aerial photo from 1971 that shows the same. A mobile home park was located in the northern part of the site downhill towards East Forrest Avenue. Kent said no fill was taken from the area where the mobile home park was located and a photo was handed out showing the fill was taken from the top of the hill south of where the mobile home park was located. Kent spoke with Phil Robinson who had knowledge of the site. Kent said he and Eric Johnston of Johnston and Associates visually inspected numerous loads and piles of dirt at the site and at the McCleary site. Eric Johnston sent a certification letter upon request and stated the PA DEP requirements were met. However, this is not what was approved at the May meeting. Kent stated that top soil for the McCleary site will come from the Russett Farms development and will be seeded before winter. Kent Raffensberger and Phil Robinson offered to

have testing performed by a lab on the fill dirt at the McCleary site and on the top soil located in the Russett Farms development based on what contaminants are listed in the Wellhead Protection Ordinance. Test results will be given to Brian Sweitzer prior to any more moving of fill dirt. The laboratory test results need to be certified by Eric Johnston, engineer for the project and must list where the samples were taken. The letter must include what testing was done and where the samples were taken. Eng. Lipinski, Brian Sweitzer and Kent Raffensberger will agree on the areas to be sampled.

E. Stoley moved that to allow satisfaction of the prior requirement that the fill dirt contain no environmental contaminants by testing being done at the McCleary site and on the top soil at the Russett Farms site with locations determined by Eng. Lipinski, and the testing being done by a certified laboratory to verify that none of the contaminants listed in the Wellhead Protection Ordinance are present in unacceptable amounts, and that a certification letter be provided by the project engineer, Eric Johnston, certifying the test results from the approved laboratory; and such certification and the test results must be being given to the Borough before any more fill dirt is moved.

R. Buchanan seconded. The motion carried with all in favor.

Apple Tree Court (McCleary) Preliminary Subdivision Plan

The plan is to create seven lots by extending Greenview Drive to Foxtail Court. The detention pond subdivided from the Selwood property at 13 Greenview Drive will be added to lot 1, who will be the owner of the pond. Since there will only be seven lots, a homeowner's association will not be feasible. There will be an agreement that will be recorded and referenced on each deed. The agreement will need to be reviewed and approved by the Borough before the final plan is approved.

Due to water runoff on the Doonan property at 9 Wineberry Drive, the McClearys offered to have a swale corrected that would direct this water to the detention pond, but the Doonans stopped responding and were invited to each staff review meeting, the Planning Commission meeting and tonight's meeting and were not present at any meeting. The swale and reference to their signature block will be removed from the plan.

E. Stoley moved to authorize the President to sign the Planning Module Exemption for the seven EDUs for this development.

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

The items still outstanding from the Planning Commission meeting are:

- 1) Planning Module approval.
- 2) Notes 21 and 22 regarding stormwater responsibility will need to be slightly revised. The Borough will need to see the agreement for maintenance of the detention pond prior to final plan approval.
- 3) Because of the required revisions to the street, need a detailed review of the profiles, utilities, grading, stormwater facilities, stormwater report, etc.
- 4) All fees to be paid.
- 5) Certification, with signature, seal, and date by the registered professional surveyor responsible for preparing the survey.
- 6) Four waivers were requested: a) from Section 404 – E & S will be approved at the final plan process; b) from Section 505(d) there will be no improvements to Plank Road (curb, sidewalk, etc.) since there will be no entrance onto Plank Road; c) from Section 601.(c) monuments, two are proposed; and d) from Section 603 sidewalks.
- 7) Reference to the swale and the Doonans' acknowledgement need to be removed.

E. Stoley moved to approve the waiver #1 for E & S approval at the final plan approval and that there will be no earth moving other than the temporary grading plan approved in May.

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

E. Stoley moved to approve waiver #2 in that no improvements will be necessary for Plank Road.

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

E. Stoley moved to approve waivers #3 (two monuments are approved) and #4 (no sidewalks will be required).

J. Traband and R. Buchanan seconded. The motion carried with all in favor.

E. Stoley moved to approve the preliminary subdivision plan contingent on comments 1 thru 5 and comment 7 being met.

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

95 East Forrest Avenue Grading Plan

The revised grading plan with a date of September 13, 2012, was reviewed. The plan showed the original topography prior to the 2010 fill dirt being spread on the

property as well as the existing topography as of September 13. The proposed grading shows six feet from the original topography which satisfies Section 512 of the Zoning Ordinance. An NPDES permit will be required and the erosion control facilities will be designed around that. After the dirt is in place, seeding, and mulching will occur. Since the fill dirt for this project will come from the Messina property discussed earlier, the dirt will have been tested to make sure no contaminants listed in the Wellhead Protection Ordinance were present. After the dirt and seeding is in place, an as-built should be prepared showing the exact grade. Kent Raffensberger was told that this grading plan to raise the original topography six feet will be the finished grade for this parcel that no additional fill can be added when a land development plan is presented in the future and Kent accepted this statement. It can't be added to at a later date.

E. Stoley moved to approve the final grading plan with a date of September 13, 2012, contingent that only tested, clean fill dirt free of any contaminants listed in the Wellhead Protection Ordinance be imported; the owner to get the NPDES permit; once graded per the plan that an as-built be presented to the Borough showing the topography being no more than six feet above the original topography; and appropriate protection from any soil runoff into the creek being in place once the grading is completed and if necessary, if the vegetation is not completely established, that the mulch socks be replaced until the vegetation takes hold.

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

E. Stoley further moved that the owner needs to understand that this plan will be the final grade for this parcel and no future land development plans should call for any additional grading to take place.

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

Southern Regional Police Department – Richard R. Buchanan

The police report for August was reviewed. Buck stated the study prepared by the DCED appeared to be a canned study with names and information inserted. The formula in the study was 50% population and 50% assessed property. The Council presidents from Shrewsbury, Glen Rock and New Freedom Boroughs will be meeting next week to discuss the funding formula and if Stewartstown Borough joins the police commission, that would be the time to change the formula that could include a percentage for assessed property values.

Anthony Myers had given notice that he will resign as the citizen representative at the end of the year. The vacancy was advertised on the Borough's website and in the newspaper right after last month's meeting. A letter of interest from Nathan Kirschman was received.

R. Buchanan moved to appoint Nathan Kirschman as the Borough's citizen at large as of January 1, 2013.

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

Codes Enforcement – Keith Hunnings

Shrewsbury Wash and Store, Constitution Avenue

Brad Tracey of Cumberland Systems was present to ask for a waiver from a land development requirement since renovations will not change the footprint of the building. The outside pre-wash area will be covered and the existing concrete pad replaced to install newer heating elements. A storage area will be added above the automatic car wash area. Council was agreeable to granting a waiver provided an as-built is given to the Borough after the work is finished.

M. Sharkey moved to grant the waiver from requiring a land development plan since the footprint of the building will not change and that an as-built be provided after the work is finished.

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

Stewartstown Railroad Station

Keith stated that Dave Watson from the Stewartstown Railroad called last Thursday and wanted approval to have pit beef sales and train rides at the train station on South Main Street. With such short notice, approval was not given. Mr. Watson was told to come to the Council meeting to explain what the Railroad would like to do at this small property. There are no water or sewer connections to the building and no parking area.

Bubba D's Pizza Advertisement

The question came up whether the costumed "pizza character" that promotes the business while holding a sign advertising a low cost pizza is allowed under the Zoning Ordinance. There is also the costumed "Statue of Liberty" that promotes

an accounting business at the Market Square intersection at certain times of the year. The ordinance does not address such advertising.

It was decided that the Secretary should send the owner of the pizza shop a letter that the “pizza character” should stay off the shoulder and out of the flow of traffic and perhaps moderate the usage of the costumed character so that he doesn’t become a nuisance.

430 South Main Street

The office notified Keith that there is a tenant in the building. There are no water or sewer connections and there is still the matter of whether the building needs to be brought up to Code. No permits were issued for occupancy. The owner was contacted and he stated he is in the process of connecting to water and sewer and that it could be another month. Keith will take the appropriate action.

The Water and Sewer Committee is scheduled to meet this coming Monday evening at 7:00 p.m. about the dispute over the invoice for running a two inch water line under Main Street to this building.

Water & Sewer – Richard R. Buchanan

Blouse Well SRBC Testing

Right-of-Way agreements have been signed by all property owners except for 15 Kratz Road and the President of the Valley View Grove HOA to allow an above-ground pipe to cross their properties. There is sediment in the creek next to 15 Kratz Road. R. Buchanan will contact the owner of 15 Kratz Road about her demands.

Windy Hill Bridge Sewer Replacement

There are three low spots in the newly-replaced sewer line. Kinsley Construction will start work to correct the problem tomorrow.

Public Roads & Lighting – Eric W. Stoley

427 North Main Street Gravel Driveway

The gravel from the stone driveway washes down along Main Street and deposited onto Woodland Drive during a strong rain. A letter will be sent referencing Section 303.6 of the Zoning Ordinance and that if stones wash down onto Woodland Drive, the property needs to clean them up or the Borough will clean them up and bill the property owner.

Public Lands, Buildings and Finance

Reminder of the budget meeting set for next Wednesday, October 17 at 7:00 p.m.

ENGINEER'S REPORT

Southern Farms Sewer Block Grant Project Bids

The first phase was reduced to doing from 6 Covington Drive to the intersection with Winchester Road and a stub on Winchester Road which includes the manhole run after the intersection of Covington Drive and Winchester Road.

Two bids were received:

SWERP, Inc.	\$241,204.00
Associates Plumbing	\$291,997.80

R. Buchanan moved to award the contract to SWERP, Inc. in the amount of \$241,204.00 pending receipt of all the documents.

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

Heathcote Glen II

The approved plan has not been recorded as there is no surety yet and the outstanding fees in excess of \$5,000.00 have not been paid.

SOLICITOR'S REPORT

PennDOT EDU Agreement

Assistant Council Sharp indicated that PennDOT is willing to enter into an agreement to pay for the capacity outright. He is preparing a draft agreement and will provide it to Sol. Rehmeyer for review.

York County UCC Board of Appeals and Recent Commonwealth Court Decision

The Bill that was introduced in the House to allow municipalities to join together to establish a joint board of appeals for the administration and enforcement of the Pennsylvania Construction Code was sent to committee on October 3.

Stormwater Management Ordinance Requirement

A few provisions of the ordinance are still being refined.

50 West Clearview Drive Swale Issue

Sol. Rehmeyer prepared a draft right-of-way agreement and will finalize it upon receipt of information from the engineer with regard to the scope of the easement and the improvements to be installed.

New Freedom Borough Proportionate Sharing Invoice

New Freedom Borough's solicitor contacted Sol. Rehmeyer as his client was not happy with Shrewsbury Borough's offer to pay half of the back billing from 2000 through 2007 in the amount of \$12,083.00. The Borough feels this research came about after the last proportionate sharing invoice calculation was questioned and the statute of limitations, we felt, had passed.

Public Safety, Welfare and Personnel – Michael G. Sharkey

Trick or Treat Night

Trick or Treat night will be October 31 from 6:00 to 8:00 p.m.

Secretary's Report – Cindy L. Bosley

Tree Lighting Ceremony

The tree lighting ceremony will be on Sunday, December 2 at 6:00 p.m. – no rain date.

Annual Boroughs Association Meeting

The annual meeting will be held on November 10, 2012.

Bank Surcharges

A meeting was held with three representatives from SusquehannaBank today and no resolution was reached. They were unclear how our deposited checks are being calculated with a service fee as the checks are split into three accounts when the deposit is made. There were also unclear whether we would classify as a business account and be allowed 500 items before a charge is made per item.

The Secretary checked with PeoplesBank and there is a checking account just for municipalities and government agencies that have no set number of allowed items and no service or maintenance fees.

M. Sharkey moved to give the Secretary authorization to move the Borough's accounts to a bank that does not charge a maintenance or service fee on our accounts.

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

York Adams Tax Bureau – Michael G. Sharkey

The quarterly meeting will be the end of this month. We received a 2013 budget figure from the Bureau.

Subdivision, Land Development & Zoning – Eric W. Stoley

Planning Commission/Regional Planning Commission – Eric W. Stoley

UNFINISHED BUSINESS

NEW BUSINESS

The issue control sheet was reviewed and updated.

Year-End Meeting

The year-end meeting will be Wednesday, December 26 at 7:00 p.m.

COMMUNICATIONS**EXECUTIVE SESSION**

An executive session was called at 10:08 p.m. to discuss a current litigation matter. The meeting was reconvened at 10:31 p.m. at which time the meeting was adjourned.

Submitted by,
Cindy L. Bosley, Secretary