

MINUTES

SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

OCTOBER 9, 2013

PRESENT: Mayor Peter W. Schnabel, Fred W. Arbogast, Richard R. Buchanan, Carl W. Munch, Michael W. Ridgely, Michael G. Sharkey, Christopher M. Skoglund, and Eric W. Stoley

OTHERS

PRESENT: Brian L. Sweitzer, Supt. of Public Works; Jeffrey L. Rehmeyer, II, Esq.; David Lipinski, P.E.; Larry Zimmerman; Michael Gessell of Bohler Engineering; Greg Reed of Kimco Realty; Bruce Merrill of New Freedom Heritage; Atty. Andrew Miller; Terry Stewart, Nate Kirschman, Keith Russell; Tony Myers, Fire Chief; Gene Montanarelli; Nick Caruccio, Fire Department President

The regular meeting of the Borough Council convened at 7:32 p.m. in the Borough Municipal Building, 35 West Railroad Avenue, with President Ridgely presiding.

CITIZEN COMMENTS

Gene Montanarelli, Shrewsbury Township Supervisor, was present to ask the Council to send a letter to PennDOT and the York County Planning Commission that the proposed diverging diamond concept to make the I-83 intersection at East Forrest Avenue less congested will not work as there is not enough room between the lights. Tractor trailers can barely make the turn now when getting off the southbound and northbound ramps. Both the Borough and the Township feel this is a band aid approach and that a better concept is needed. It was the consensus of Council to send the letter with copies to Rep. Miller, Sen. Waugh and Rep. Saylor.

South Central Senior Citizen Center

Gene Montanarelli presented a letter that was sent by the Senior Center asking for a donation to purchase a senior "trike". The cost is \$2,226.00 and the Township is donating \$1,200.00 and Gene urged the Borough to make a donation as well. This will be discussed later under Communications.

Keith Russell, representing Rose Ambulance, and the request from the County's Department of Emergency Services that the Borough should choose Rose Ambulance as the 3rd due ambulance for the EMS response assignment.

Fire Chief Tony Myers was in agreement and stated he will be sending a letter to Council asking for the same thing for fire responses.

M. Sharkey moved to authorize President Ridgely to sign the letter indicating Rose Ambulance as the 3rd due.

F. Arbogast seconded. The motion carried with all in favor.

Larry Zimmerman, representing the Shrewsbury Merchants, stated this year's Fall Fest was the best one yet. There was a lot of community participation and it was well done. Larry presented checks in the amount of \$1,000.00 each to the Shrewsbury Volunteer Fire Company and to the Borough for the playground fund. Nick Caruccio, President of the fire company, thanked Larry and the merchants for the support. President Ridgely thanked Larry as well.

Bruce Merrill, representing the New Freedom Heritage group, stated he made a presentation last week at the Southern Regional Police Commission to see if there is interest in having a documentary made of the history of the police services in the four participating members of the Police Commission. The Commission voted to donate \$1,100.00 provided the other four historical societies donate the same amount. The total cost of the project is \$20,000.00 with the York County Cultural Alliance giving \$14,500.00, with \$5,500.00 coming from the historical societies and the police commission. Stewartstown Historical Society and the Shrewsbury Historical Society (not active) will not support the project. The proposal is due November 1.

After a pause, R. Buchanan made a motion to donate \$1,500.00 provided contributions also come from the other municipalities.

C. Skoglund reluctantly seconded. There was further discussion as to whether this is necessary and what purpose would it serve. It would be useful to present to solicit membership from other municipalities. Given the economy, it was mentioned that the money would be better spent with a direct payment to the police or fire departments.

Roll call vote:	Buchanan	yes, in favor
	Munch	no, opposed
	Skoglund	yes, in favor
	Sharkey	no, opposed
	Stoley	no, opposed
	Arbogast	no, opposed
	Ridgely	yes, in favor

APPROVAL OF MINUTES

The minutes of the September 11, 2013, 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 approved at the November meeting.

BILL LIST

The bill list for September was presented: General account: check numbers 11856 thru 11905 ; Water account: check numbers 5033 thru 5050; Sewer account: check numbers 4705 thru 4718; Highway Aid: none.

C. Skoglund moved to approve the September bill list.

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

PAYROLL REGISTER

C. Skoglund moved to approve the September 3, 16, and 30, payroll registers.

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

SUBDIVISION AND LAND DEVELOPMENT BUSINESS**Members 1st Credit Union Subdivision and Land Development Plans**

This is a request to subdivide a .851 acre parcel from the Shrewsbury Square Shopping Center for Members 1st Credit Union. This parcel will not have its own driveway, a variance was granted by the Zoning Hearing Board and will have an easement agreement with the owner of the shopping center for ingress and egress. There will be no buffer on the south side as a variance was approved by the Zoning Hearing Board. The staff and the Planning Commission have seen the plan. E. Stoley stated he reviewed the Agreement of Covenants, Easements and Restrictions and wanted to make it clear that the Borough will not enforce this to restrict any future use but that the parcel must adhere to the Zoning Ordinance. The Borough will not

maintain the easement or the driveway as Kimco Realty and Members 1st have asked for a landlocked lot.

There are enough parking spaces remaining for the rest of the shopping center at this time but will be reviewed as uses come and go. There were many open items remaining on the September 23 Planning Commission/staff review minutes, one of which is the sewer planning module, which has not yet been submitted.

E. Stoley moved to approve the Final Minor Subdivision plan creating two irregularly-shaped parcels (the landlocked parcel for Members 1st and the remaining shopping center parcel) and that by the creation of these lots no further requests for variances will be granted as these irregularities were caused by the applicants; further, the parcels share an easement for the existing stormwater management facility and maintenance is the responsibility of the applicants; further, no driveway is to be put in as there is a shared easement to the existing driveway owned by the shopping center and this easement will be maintained by the owner of the shopping center at their expense. Also, any deed restrictions put in place by the owner of the shopping center or the owner of the subdivided parcel shall not bind or obligate the Borough to follow that easement as the Borough will follow the uses as allowed by the Zoning Ordinance. Further, all open conditions listed in the Planning Commission minutes from the September 23, 2013, meeting including approval of the planning module being approved by DEP. Further, all easements to be recorded must have final approval by Sol. Rehmeyer prior to being recorded.

R. Buchanan seconded. The motion carried with all in favor. Amended as follows:

E. Stoley moved that the time frame for planning module approval by DEP to be within six months from today.

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

Members 1st Credit Union Land Development Plan

A special exception was granted by the Zoning Hearing Board for the financial institution in the Commercial zone. There will be no additional overhead lighting, just canopy lights on the building. The landscaping trees and bushes on the west side will be down low on the parking lot level and should not interfere with the sight triangle. Any future problems with sight triangles will be handled by Members 1st Credit Union or any future lot owner.

E. Stoley moved to approve the land development plan on a preliminary basis contingent that no development can occur until the final subdivision plan contingencies are met.

C. Skoglund seconded. The motion carried with all in favor. This plan needs to be brought back to Council for final approval after all subdivision and land development conditions are met.

Southern Regional Police Commission – Richard R. Buchanan and Mayor Schnabel

Mayor Schnabel highlighted the August police report. R. Buchanan announced that Stewartstown Borough voted unanimously on Monday night to disband their police department and join the Southern Regional Police. The next step is to pass a motion to accept Stewartstown Borough as a member contingent on the intergovernmental agreement being modified. That will be done among the four Council Presidents. The goal is for Stewartstown Borough to be a member as of January 1, 2014.

R. Buchanan moved to conditionally accept Stewartstown Borough as a member pending the necessary amendments and approval of the intergovernmental agreement to be approved by all four member municipalities.

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

R. Buchanan was thanked for the time consuming work he and his committee put into a successful outcome.

Codes Enforcement – Keith Hunnings

Keith issued seven permits and sent Pen Mar Recycling a letter regarding outside storage. Eng. Lipinski stated Jason from Pen Mar Recycling called him today.

Council said the temporary signs along the road at the traffic signal along Mt. Airy Road should come down.

L & I Audit

Keith said the audit was held and there may be some paperwork items that need to be put in the files.

Water & Sewer – Richard R. Buchanan**Blouse Well SRBC Pump Test**

The Blouse Well 72-hour pump test was performed from September 23rd through September 26th. Our hydrogeologist downloaded the data and will prepare a report for review by the SRBC. There were not any alarming results with the well pump, three monitoring wells, and two weirs. The Blouse Well report should be submitted within two months. The Smith Well pump test will begin next month. The amount spent to date is around \$110,000.00. There will be a Wellhead Committee meeting in the spring for the hydrogeologist to present the results and discuss whether another water source needs to be developed.

New China Greastrap

New China Restaurant installed an outdoor greasetrap during the week of September 23rd per the Borough's recommendations. Their maintenance schedule will be monitored with continued visual inspections and collection of waste manifests.

Wellhead Protection Meeting

The Wellhead Protection Committee met on September 25th and reviewed the AutoZone plans for 95 East Forrest Avenue. The facility profile form was missing information for the Committee to review and the stormwater detention basin will be designed with spill response details. The Committee will meet again on October 30.

Public Roads & Lighting – Eric W. Stoley

Forrest Avenue Traffic Signal Markings

Shrewsbury Township requested help in marking the intersection at I-83 and the permit for the intersection calls for pedestrian crosswalk markings. The manager at Shrewsbury Township will arrange for a site meeting with PennDOT to look at this intersection more closely and get the permit amended to, hopefully, exclude crosswalks.

Essex Circle Storm Drainage

Ginny Edwards, the realtor for 44 Lexington Drive, had previously expressed concerns over the stormwater drainage on Essex Circle Drive. When the house at 44 Lexington Drive was built, the owner at that time installed an 18" stormwater pipe to remove the open swale to better utilize his land. The 18" pipe is undersized and handles all the stormwater for Section A of Southern Farms and the development does not have any storm drains. The property owner at 32 Lexington Drive complained about water from his backyard at the onsite meeting. It is believed that this is a private matter because he is at the low point on Lexington Drive. Terry Stewart of

32 Lexington Drive was present to say the problem worsened when a property owner above him took out a pool and landscaping and then the water started to run along his home foundation and into his pool. He said his property gets all the runoff from the street and from properties up the street. He tore up his deck, installed a drainage system and a pump. The problem is people have been changing their yards and swales above him but it's not the Borough's to maintain. His best solution would be to install a drainage culvert on the property line but he was told he can't cause a hazard on the roadway.

The storm pipe that the property owner at 44 Lexington Drive installed a few years ago is not in the easement. It was a fairly deep drainage ditch until the owner of 44 Lexington Drive filled it in and installed the small pipe.

Bridle Road Paving

Kinsley Construction paved Bridle Road with the designated base repairs and sealing on September 20th and 23rd.

E. Stoley moved to authorize President Ridgely to sign the change order decreasing the cost by \$6,182.75 because of less base repair needed and less materials used.

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

E. Stoley moved to pay Kinsley Construction the amount of \$77,295.25.

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

Extra Snow Plow Driver Bids

One bid was received: Aquatic Resource Restoration Co. in the amount of \$125.00/hour.

E. Stoley moved to accept and award the bid to Aquatic Resource Restoration Co. in the amount of \$125.00/hour.

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

19 Covington Drive Speeding Complaint

A new resident that moved in over the weekend sent in a complaint about speeding on his street and it is not safe for his daughter to ride her bike in the street. He asked if a traffic study had been done and asked if speed bumps could be installed. A reply will be sent that yes, a traffic study was done and that no, speed bumps will not be installed. The police will be asked to be set the speed trailer on the street.

22 East Clearview Drive Complaint

A complaint was received from this resident that since the stop sign was removed at this intersection that motorists cut the corner short and have made a depression in his yard. The resident will be told that he can place, at his expense and liability, some metal reflective posts to keep vehicles off his property.

Public Lands, Buildings and Finance – Christopher M. SkoglundMunicipal Authority Customer Ruling

The Secretary previously reported that customers residing in the Township but who were receiving Borough water were to remain Borough customers. After review of the notes from the discussion with the PUC regarding Township water customers, Sol. Rehmeyer said this would be a separate issue and he felt that all sewer customers residing in Shrewsbury Township should be Authority customers regardless of whether they were served Borough water.

Budget Meeting

The next budget meeting is October 24 at 7:00 p.m. The Municipal Authority will be invited to the November 6 budget meeting.

ENGINEER'S REPORTStormwater Ordinance

The ordinance can be adopted tonight or at the November meeting.

Southern Farms Sewer Work

SWERP, Inc. has not responded to calls or e-mails to finish the work so that the remaining balance being held can be given to them. Eng. Lipinski issued a letter but has had no response. The Secretary was directed to send a letter giving a deadline for completion of the work by December 11 or we will have the work done and use the funds being held to pay that contractor.

Brookview Meadows Sanitary Sewer Repair

This job that was bid a couple of months ago had to be stopped because a storm pipe was discovered. This work was not budgeted for 2014.

Windy Hill Road

The Borough owes PennDOT \$23,223.63 for our share of the work and PennDOT owes the Borough \$10,445.34 for its share. No check or invoice was received.

Heathcote Glen II

The final plan was recorded; all fees were paid.

95 East Forrest Avenue

The land development plan was filed on August 23 and Council must act on the plan or an extension of time must be done by the December Council meeting.

Stormwater Ordinance

M. Sharkey questioned the size of shed and thought it should be increased. Currently, the size is 100 square feet. After discussion, it was decided to increase the size to 150 square feet and a simplified plan is still allowed.

SOLICITOR'S REPORT

Refuse and Recyclable Collection

Sol. Rehmeyer prepared the Agreement for Refuse and Recyclable Collection between the Borough and Republic Services. President Ridgely and the Secretary signed two copies of the Agreement.

Comcast Cable Franchise Agreement

The ordinance re-adopting the cable franchise agreement with the correct entity has been advertised and is ready for adoption. Due to the Borough having to re-advertise the ordinance, Comcast has offered to donate \$500.00 sponsorship toward the annual appreciation dinner. The cost of advertisement is \$162.60.

C. Skoglund moved that Ordinance 2013-4 be adopted.

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

Heathcote Glen

The letter of credit was finalized and the plan was recorded.

Heathcote Glen I Easement Obstructions

Sol. Rehmeyer has been working with B. Sweitzer and Eng. Lipinski to address issues with property located at 4 Bedford Court and 12 Cardiff Road. Draft letters were prepared advising the property owners the easement area is to be free of obstructions but the Borough will allow the drainage area and fence to remain. However, if the Borough needs access to the area, the property owner is responsible for removal and the cost thereof.

Draft Zoning Fee Schedule

Per Council's request, Sol. Rehmeyer prepared a draft zoning fee schedule

Covington Ridge III

Richard Leatham of S & A Homes submitted a letter that Kinsley Construction still feels the original amount of surety of \$782,022.00 to be accurate.

Public Safety, Welfare and Personnel – Michael G. Sharkey

2014 Animal Care and Housing Agreement with the S.P.C.A.

The 2014 agreement is the same as the 2013 agreement.

E. Stoley moved to authorize the signing of the agreement with the S.P.C.A.

F. Arbogast seconded. The motion carried with all in favor.

Secretary's Report – Cindy L. Bosley

Tree Lighting Ceremony

The tree lighting is tentatively scheduled for Sunday, December 1 at 6:00 p.m. but the date may change if the school's jazz band is not able to participate on that date.

York County Boroughs Association

The annual meeting will be November 9 in Red Lion.

York Adams Tax Bureau – Michael G. Sharkey

The recent minutes from the Bureau that were distributed discussed the goal of universal ownership and suggested the percentage of ownership shall be determined by a three-year average of the earned income tax revenues. Also, it was proposed to use the pre-Act 32 unallocated funds to pay back the original members who directed their past unallocated tax monies for the purchase and renovation of the North Duke Street property; the Borough supports the proposals.

Subdivision, Land Development & Zoning – Eric W. StoleyPlanning Commission/Regional Planning Commission – Eric W. Stoley**UNFINISHED BUSINESS**Issue Control Sheet

The issue control sheet was reviewed and updated.

NEW BUSINESSRe-appointments

Keith Wills to the Planning Commission; new term to expire 7/15/17

Jessica Buck to the Planning Commission; new term to expire 7/15/17

C. Skoglund moved to approve the re-appointments.

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

COMMUNICATIONSRibbon Cutting Ceremony

An invitation was received for a ribbon cutting ceremony to be held at the TrueNorth Wellness Services business at 73 East Forrest Avenue on October 29 at 11:00 a.m.

South Central York County Senior Center

The issue of whether to donate funds toward the purchase of a senior “trike” was briefly discussed. It was the consensus that because the Borough already donates \$2,500.00 to the senior citizen’s center, that it would not donate toward the “trike”.

ADJOURNMENT

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

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

Submitted by,
Cindy L. Bosley, Sec.