

## MINUTES

### SHREWSBURY BOROUGH COUNCIL

REGULAR MEETING

SEPTEMBER 14, 2005

PRESENT: Richard R. Buchanan, Michael R. Caum, Thomas D. Metz,  
Michael W. Ridgely, Christopher M. Skoglund

#### OTHERS

PRESENT: Jeffrey L. Rehmeyer, II, Esq.; James R. Holley, P.E.; Brian L. Sweitzer, Supt. of Public Works; E. Michael Lee, Codes Enforcement; Todd Grove, Southern York County Regional Planning Commission representative; Barb Krebs of The York Daily Record; Ron Hontz; Mike Cadden; Doug and Jamie Miller; Ron Baker, Alveera Chinquina; Norma Brown

The regular meeting of the Borough Council convened with a moment of silence to remember the victims of Hurricane Katrina at 7:35 p.m. in the Borough Municipal Building, 35 West Railroad Avenue with Vice President Ridgely presiding.

#### Software Demonstration

Det. Roger Goodfellow gave a demonstration of aerial photograph software program in which the County is going to participate. Municipalities have the option to purchase neighborhood shots which show the sides of properties and have the capability to give measurements from location to location. The cost is about \$380.00 per sector and we would need about five sectors for the Borough. B. Sweitzer would like sectors in Hopewell and Shrewsbury Township where our sewer lines run. Information is transferred onto a portable hard drive. We have until October 15 to decide.

#### CITIZEN'S COMMENTS

Ron Hontz asked if the Borough would consider amending the zoning ordinance to limit the distance a homeowner can pave up to an adjoining property owner.

This was referred to the Zoning and Subdivision Committee.

Norma Brown of 5 Hill Street was present to state she did not want to see trees planted against her property by Doug Miller. One of the conditions of the zoning hearing, as it is required by the zoning ordinance, was that a buffer be installed. She said the former owner backed trucks onto her property but not Mr. Miller's employees.

Ms. Brown was told that the ordinance has to be followed and enforced to treat everyone fairly.

Jamie and Doug Miller of 21 Hill Street both read statements that they felt the Borough was putting undue financial hardship on them by making them comply with the zoning ordinance and they felt they had permission to expand to add upstairs living quarters and they argued the proposed settlement agreement was unfair and restrictive. Mr. Miller read each proposed settlement item and rebutted it and felt the Borough had a vendetta against him.

Mr. and Mrs. Miller were told these violations go back several years with several zoning hearings. Mr. Miller appealed the one hearing to the York County Court of Common Pleas, lost and then appealed it to Commonwealth Court and lost. The Borough is trying to enforce the zoning ordinance and as the matter is under possible litigation it was not going to be debated this evening. The Borough has been trying to work out a settlement agreement for about six months.

Ron Baker of 12 Crosswind Drive asked about the traffic studies to restrict truck traffic and engine brake retarders. He was told the studies are done and we can restrict truck traffic on a portion of Covington Drive and restrict the use of engine brake retarders on Tolna Road. He also said the speed watch committee is formed. He thanked Brian Sweitzer for trimming the shrubbery/trees away from the speed limit signs.

Mr. Baker was told the speed watch committee needs to be briefed.

Alvera Chinquina of 21 Northbrook Lane stated she felt she was harassed by Zoning Officer Mike Lee when she was made to clear the hydrant on her property.

Mr. Lee stated Mrs. Chinquina's daughter was verbally abusive toward him and he left. He stated the hydrant has been cleared and they did a good job and he was going to send a letter stating same.

Mike Cadden of the Shrewsbury Vol. Fire Company stated the call volume is up 68 from last year this time. They are doing recruitment and he thanked Council for helping at the carnival. He encouraged Council to read Senate Bill 60 which speaks about the future of emergency services. He said that in the near future, the fire company will have to look at other ways for funding. He thanked Council for enforcing the fire hydrant ordinance but felt it took too long.

### **APPROVAL OF MINUTES**

C. Skoglund moved to approve the minutes of the August 10 meeting.  
T. Metz seconded. The motion carried with all in favor.

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

R. Buchanan moved to approve the June expenditures and report of accounts.

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

R. Buchanan moved to approve the July expenditures and report of accounts.

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

### **BILLS**

The bill list was presented for August: General account: check numbers 6921 thru 6964 totaling \$62,298.61; Water account: check numbers 3316 thru 3339 totaling \$24,672.98; Sewer account: check numbers 2806 thru 2831 totaling \$72,622.75.

C. Skoglund moved to approve the bill list for August.

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

## **SUBDIVISION AND LAND DEVELOPMENT BUSINESS**

### Weaver Precast

Mark Hackenburg of RGS Associates and Dan Martin of Weaver Precast were present to discuss the lead findings in about half of the 13 test pits. The lead is not in the groundwater level but it is in isolated pockets of material that was placed on the site. This is being pursued through DEP and it is apparent that Weaver Precast is not generating the lead. They would like permission to proceed with the land development plan to install the storm water detention basin to protect any property owners downstream. The results were .05, .017 and .002 over the limit. It is felt the former property owner who did modular manufacturing caused the contamination and Weaver Precast is stepping up to correct the problem.

Mike Lee and Engineer Holley recommended the Borough allow Weaver Precast to proceed with a final land development plan to get the stormwater detention pond installed to prevent contamination downstream. The plan will go to the September 26 Planning Commission meeting.

### Weaver Precast Time Extension

The 90 day time review began on July 25 and it was requested that Weaver Precast ask for an extension for plan review. A date of December 14 was requested.

C. Skoglund moved to grant the time extension to December 14, 2005, for final plan approval.

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

### Dave Keller Sewer Planning Module

C. Skoglund moved to authorize Vice President Ridgely to sign the Sewer Planning Exemption for the one lot subdivision that will be connected to public sewer.

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

## **REPORTS**

### **Codes Enforcement** – E. Michael Lee

A written report was submitted to the Secretary for distribution. One item needs to be turned over to Solicitor Rehmeyer and that is violations at 72 Brook Meadow Circle. Decking around an above-ground pool has not been installed and the permit has expired. Contacts with the property owner have failed.

### **Water & Sewer** – Richard R. Buchanan

#### **Pumphouse Wells**

The probe for the clear well under the pumphouse arrived last week and will be installed tomorrow. The SCADA system will be tested before DEP visits for startup. The creek is flowing at 30 gallons per minute for the past month. We need 45 gallons per minute before any water is used from the wells.

#### **Pumphouse Well Weir**

The second weir on the east side of Mount Airy Road could be installed to prove that we are not drawing water from the creek while the wells are in use or we may not be able to use the wells unless there is a significant amount of rain and water in the creek.

#### **Private Well Abandonment**

The Wellhead Protection Committee met on Monday. There are about 31 properties that are currently using their own wells. The committee felt the residents should be forced to connect to public water. The Committee also felt old wells on private properties that are no longer being used should be located and properly abandoned.

The ordinance will be examined to see if connection is mandatory. Brian was asked to prepare a breakdown of costs for connection to the water system and to close their existing wells. It was felt the Borough should waive the tapping fee and bring the water to the property. A letter should be sent to the 31 residents to give them an advanced warning.

### Oil Tanks

The Wellhead Protection Committee also felt that underground fuel tanks should be removed/filled. There is a tank adjacent to the Thompson Well that we will get pricing to move the tank inside the house.

### Water and Sewer Line Mapping

B. Sweitzer would like to budget money to map the water and sewer lines on GIS.

### **Regional Planning Commission**

This was moved up on the agenda. Todd Grove was present to let Council know the Regional Planning Commission is doing an update of the regional comprehensive plan that was adopted in 2000. Exit 4 upgrade should be included as well as an item that sewer capacity is limited. This was referred to the Zoning and Subdivision Committee.

### **Public Roads & Lighting** – Christopher M. Skoglund

#### Traffic Study for Tolna Road and Covington Drive

The study was received to limit truck traffic on Covington Drive from the intersections with Crosswind Drive and Old Farm Lane and to restrict the use of engine brake retarders.

Sol. Rehmeyer was asked to prepare the ordinances for adoption.

#### Adopt Ordinance 2005-7 Adopting Certain Streets

C. Skoglund moved to adopt Ordinance 2005-7 to adopt Asbury Lane, Berkshire Drive, Devonshire Drive and Fawn Drive.

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

#### Adopt Ordinance 2005-8 Establishing Speeds and Stop Intersections

C. Skoglund moved to adopt Ordinance 2005-8 to establish speed limits and stop intersections in the Deer Creek and Valley View developments.

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

### Street Cut Fee

The current fee for a street cut is \$25.00. We will check to see what other municipalities charge.

### Award Storm Water Facilities Map

R. Buchanan moved to award the project to ARRO subject to approval by the York County Planning Commission.

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

### Crosswind Drive

C. Skoglund asked for thoughts about making Crosswind Drive one way between Tolna Road and Covington Drive intersections. It was mentioned it would be difficult to enforce.

### Highland Drive

C. Skoglund asked for thoughts on Highland Drive with the new development beyond Church Street and the fact that the Borough will more than likely receive pressure to improve the road. It is at it's maximum width now. Send ideas to Chris.

## **Public Lands, Buildings and Finance** – Michael W. Ridgely

### Public Works Building

Poole Construction finished their part of the building contract. The Public Works Department and the electrician need to finish the remaining work. Costs are: pave driveway, \$5,000.00; wash bay block \$4,700.00; lighting \$5,500.00; heat \$5,000.00; pressure washer \$750.00; garage door openers \$6,500.00.

C. Skoglund moved to approve the amount of \$30,000.00 to finish the building and that price comparisons be obtained.

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

### Scout House Glass Block

Two 42 x 24 sections would cost \$596.00. A fan will also be installed and \$1,000.00 was approved last month. The Scouts have a residential dehumidifier in the basement that shuts off when it's full.

R. Buchanan moved to authorize the amount of \$800.00 for the glass block installation and to explore the purchase of a pump that would continuously pump the water from the dehumidifier outside.

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

### 2006 Minimum Municipal Obligation for Pension

The 2006 MMO is \$29,813.00.

M. Caum moved to approve the 2006 figure of \$29,813.00 be included in the 2006 budget.

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

The Secretary was asked to find out why the State Aid funds don't cover the MMO nearly 100%.

### Check Signing Resolution

C. Skoglund moved to pass a resolution to remove Frederick Noble as a check signer and to add Thomas Metz as a signer.

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

### 2004 Audit Invoice

Dotzel & Co. quoted \$5,500.00 to perform the 2004 audit with no mention there would be an additional fee to conform to the new GASB 34 requirements. The total time amounted to \$22,000.00 and the bulk of that was learning the new requirements. The Committee met with the auditor recently and proposed \$8,000.00 for the 2004 fee and asked Dotzel & Co. to commit to \$9,000.00 for the next two years. An invoice was received for \$10,275.55. After discussion, it was felt that the 2004 audit was very good

and much more detailed than what we had been getting and we will offer a compromise of \$9,000.00 for the 2004 audit and ask Dotzel & Co. to commit to the 2005 and 2006 audits at a price of \$9,500.00 and \$10,000.00.

C. Skoglund offered to counter with \$9,000.00 for the 2004 audit and to ask Dotzel & Co. to commit to future audits for 2005 at \$9,500.00 and 2006 at \$10,000.00 and that Sol. Rehmeyer should prepare a short binding agreement.

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

### **ENGINEER'S REPORT**

#### Recommendation of Payment to Richard Poole, LLC

Eng. Holley recommended the amount of \$53,734.99 be paid to Richard Poole, LLC for work on the new public works garage. The amount of \$19,299.30 is being retained.

C. Skoglund moved to approve payment to Richard Poole, LLC in the amount of \$53,734.99.

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

#### Sanitary Sewer Tapping Fee Charges Study

Eng. Holley prepared the sewer tapping fee charge study as required under Act 57 of 2003. The new formula is 90 gallons per day per capita times census data  $(2.52) \times 90 = 227$  GPD. The new tapping fee will be \$1,868.26.

C. Skoglund moved to adopt the study.

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

#### Traffic Light at Tolna Road and South Main Street

Eng. Holley reminded Council the County Engineering department recommended a traffic light be installed at this intersection. Council is concerned about the upgrades required at the intersection plus the widening of Tolna Road that would be required that includes moving utility poles. This road is already at the right of way limits.

### Rest Stop EDU Issue

Eng. Holley said he fully supports the proposal from PennDOT regarding the EDU issue.

## **SOLICITOR'S REPORT**

### Test Wells

The Test Well Site Exploration Agreement is ready for signature which allows access to land owned by Cornerstone for test wells.

M. Caum moved to approve the signing of the Agreement.  
C. Skoglund seconded. The motion carried with all in favor.

### **Executive Session**

An executive session was called at 11:05 p.m. to discuss pending litigation matters.

The meeting was reconvened at 11:45 p.m.

### PennDOT EDU Issue

R. Buchanan moved that Sol. Rehmeyer proceed with the latest offer made by PennDOT for payment for water and sewer EDUs being used and that their service will not be interrupted as long as negotiations continue.  
C. Skoglund seconded. The motion carried with all in favor.

### Township Sewer EDU Issues

No response has been received from the Township regarding the requested tapping fee study to justify the amount of tapping fee(s) being charged by Shrewsbury Township. A copy of our most recent study approved this evening will be provided to the Township. We also have it on good authority that the Township intends to proceed with the auction of their excess EDUs.

R. Buchanan moved that Sol. Rehmeyer request of the Township under the Right to Know law a copy of their studies to justify the tapping fees being

charged and further, that we not issue any more sewer permits absent receipt of proof of payment, the amount paid and a copy of the appropriate study, done by a professional engineer that is in compliance with State Law and approved by the Township, to quantify the fee on which payment was calculated.

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

Sol. Rehmeier will ask New Freedom officials if they want to participate in the Right to Law request for the studies and potential suit.

### **Public Safety, Welfare and Personnel** – Michael R. Caum

#### **Personnel Meetings**

All employees will have their meeting on September 21.

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

#### **Community Map Project**

The final proof was faxed back this week.

### **York Area Tax Bureau** – Thomas D. Metz

Tom will be meeting with P. Schnabel about the list of taxpayers.

### **Subdivision, Land Development and Zoning**

### **Planning Commission/Regional Planning Commission**

### **Southern Regional Police** – Richard R. Buchanan

Buck stated the number of hours is at a record of 603 hours for August. The budget for 2006 may have an increase of 6% or about \$45,000.00.

### Alarm Ordinance

A couple of questions arose after the software module application was reviewed.

It was not Council's intent to regulate medical alarms and all audible alarms should still be registered. If the permit is renewed within the time frame, no fee is charged.

### **UNFINISHED BUSINESS**

#### **NEW BUSINESS**

##### 2006 Animal Shelter Contract

C. Skoglund moved to approve the 2006 agreement with Susquehanna Stray Animal Shelter of Red Lion.

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

### **OTHER BUSINESS**

### **COMMUNICATIONS**

### **ADJOURNMENT**

The meeting was unanimously adjourned at 12:15 a.m.

Submitted by,

Cindy L. Bosley, Secretary