

LEWISBERRY BOROUGH COUNCIL MEETING  
MONDAY, JUNE 1, 2009

The meeting was called to order by William Thompson leading in the Pledge of Allegiance to the Flag.

**MEMBERS PRESENT**

William Thompson, President; David Raugh, Vice President; David Iddings, Mayor; Mark Keener, Sandra Griffith, Edward Farr, Heidi Thomas and Mary Pelton.

Also Present: Mary Ellen Banks, Borough Manager; John Elliott, Solicitor

**PUBLIC PRESENT**

John Snyder, Newberry Township Police Chief  
Allison Dougherty, Patriot News Reporter  
Robert Piscotty, Red Land Girls Softball Association  
Mark Albright, Lewisberry Community Fire Company  
Nora Sowers, Borough Resident  
Mary Jo Keener, Borough Resident  
Daniel Soltis, Borough Resident  
Pam Soltis, Borough Resident  
Mary Foley, Borough Resident

**RECOGNITION OF PUBLIC**

- Mark Albright, Lewisberry Community Fire Company Fire Chief reported the following:
  - All Fire Company members and chiefs will be in training on Saturday, June 6<sup>th</sup> at TMI.
  - The last week in July all line officers from the fire company will be in Baltimore for five (5) days for an East Coast training seminar. Fire coverage for the Borough has been arranged during both these events.
  - The spare engine is now in service.
  - The members of the Fire Company adopted a Dalmatian named Lucky and CBS 21 News will be doing a segment on Lucky in the future.
- Police Chief John Snyder reported there were (27) incidents in the Borough in May.
- Daniel Soltis reported he is still having a drainage problem in the middle of his yard. It has improved since he reported it to Council earlier in the year; however, not sufficiently. He explained Paul Fisher did inspect the property at that time and explained there is a pipe installed by the Borough that drains on his property. William Thompson will review with Paul to resolve this issue.

## RECOGNITION OF PUBLIC, CONTINUED

- Robert Piscotty, the Red Land Girl's Softball Association representative addressed Council to request time to revisit the problem with the batting cage installed in the Borough Park. John Elliott, solicitor prepared and sent a letter per Council's request informing the Association they had thirty (30) days to remove the batting cage. Mr. Piscotty explained the problem was miscommunication on his part. He explained his impression at the previous meeting with Council, gave him plenty of latitude to install the cage to best serve the girls; otherwise, he would not have changed the location. After review it was decided by the association, to install at the previously noted location would cause a safety issue for the teams. Mr. Piscotty is looking for a resolution for this problem; the cost is approximately \$4,300 already invested.
- Sandra Griffith listed her objections as follows:
  - The field belongs to Lewisberry Borough, not to the RLGSA.
  - The batting cage is 20 feet longer than previously discussed with Council. Mr. Piscotty explained the organization received a donation of a net they assumed was 65'; however, when received it was determined to be 75'. Therefore, they expanded the cage.
  - Constitutional law states no organization can install a permanent structure in a public park.
  - When the organization no longer rents the fields, they must remove the batting cage and restore field including planting grass.
  - The safety of other ball players, not just the RLGSA players, is a concern.
- Per Mr. Piscotty, the fields are used specifically for girl's softball accommodating 210 girls from the area. In 2009, RLGSA has repaired the backstops, squared up field #1, cut and raked all fields. At the end of the season, the nets will be removed.
- William Thompson stated after reviewing, he felt the location was best to serve the girls. RLGSA has rented the fields for twelve (12) years and has maintained them well. A further suggestion was made in 2010 both parties will sign a contract giving the Borough a guarantee when the association leaves, they will remove the batting cage, state a specific year lease (such as five or ten years) and include other regulations to protect both organizations. Discussion ensued.
- David Raugh made a motion and Heidi Thomas seconded to rescind the May 13<sup>th</sup> letter written by John Elliott on the Lewisberry Borough Council's behalf to RLGSA requesting the removal of the new batting cage. Motion carried 5-2.
- David Raugh made a motion and Edward Farr seconded to allow the new batting cage to remain with the stipulation it will be removed if the Softball Association no longer leases the Borough's ball fields. Motion carried 5-0 with Mary Pelton and Sandra Griffith abstaining from voting.

## SOLICITOR'S REPORT

- John Elliott presented the following:
  - After research of Lewisberry Electric regulations, the Borough is not required to reconnect electricity to a rental property until the owner of that property pays the balance owed. The

## SOLICITOR'S REPORT, CONTINUED

Borough can put a lien on any property for non-payment with no regard to whose name is on the bill, it is the owner of the property that would be responsible. This could be included in the regulations to specify this explicitly. Discussion ensued. Mark Keener stated if a tenant vacates the property while the electricity is disconnected; the landlord should be responsible for the \$75.00 reconnect fee. This issue will be tabled at this time; however, when revisited with regulation 10d stating "in the case where there is an insufficient deposit and renter has vacated the property, the \$75.00 reconnect fee will be paid by the landlord."

- Since the Borough's refuse contract is due in October John will prepare all paperwork including advertising with the bids to be read during August meeting.
- The Borough received a letter from a collection agency concerning a purchase made by the Lewisberry Fire Company. Therefore John prepared a reply to this agency instructing them to cease attempts for collection of this debt from the Borough.
- John stated he is working with Gordon Brown's office to compose a draft of an ordinance concerning FEMA requirements for flood plain management to be adopted prior to September 25<sup>th</sup>, 2009.

## APPROVAL OF MINUTES

- A motion to approve the minutes of the May 4, 2009 meeting was made by Mary Pelton and seconded by Sandra Griffith. Motion carried.

## INVOICES AND RECEIPTS

- A motion to approve the General Fund, Electric Fund and Road Fund invoices for payment was made by Sandra Griffith and seconded by David Raugh. Motion carried.

## COMMITTEE REPORTS

### Zoning Officer Report – Not Present

### Mayor's Report

- No report.

### Road Committee

- The street repairs on Lewisberry Court were completed by JR Paving at \$1,170.00; however, the invoice is for an additional \$265.00 was not approved by Council. David Iddings will remit the \$265.00 directly to JR Paving.
- Mark Keener made a motion and Mary Pelton seconded to approve the bid from JR Paving for \$840.00 to do the necessary repairs at 2<sup>nd</sup> and South Streets. Motion carried.
- Mark Keener reported he also obtained a quote from JR's Paving to repave Lewisberry Court; however, it is \$15,340.00 which is over \$10,000 and therefore must be a bid project.

## COMMITTEE REPORTS, CONTINUED

### Electric Committee

- David Raugh and William Thompson reported on AMP of Ohio's proposal to extend the purchasing contract through 2015 with the municipalities in the present consortium. The current contract is thru 2012 and if the Borough extends this contract, it will ensure they will not have to increase the current rate to the customers through 2015 unless something unforeseen would happen. The contract must be signed by June 9<sup>th</sup>. Sandra Griffith made a motion and Mary Pelton seconded to extend the contract with AMP through 2015. Motion carried.
- William Thompson explained House Bill 1474 introduced in the state legislature of PA. This bill would place the state's thirty-five (35) borough-owned municipal electric systems under full PUC regulations which would control electric rate increases. At this time, the bill only covers Municipal Electric Authorities which would not include Lewisberry Electric.

### Library Committee

- No report.

### Insurance Committee

- William Thompson stated he has contacted the insurance company for information concerning adding the fire station to the Borough's policy.

### Park Committee

- William Thompson reported the following:
  - The Borough has hired Janice Russell as the new janitor at the Park Building since Frank Tillinghast has been having health issues and is not able to continue the position.
  - The floor should be stripped at the Borough Park building and he will obtain quotes from three companies and report to council in July.
  - Gordon Brown Associates reported his firm does not handle the type of project necessary for the Borough Park Building updates; therefore, he contacted an architectural firm which estimates the cost to be approximately \$400,000 - \$450,000 to refurbish the building. If the Borough would like the firm to also apply for the grant and complete the design work, it would be an additional \$38,000. Council will not move forward with these proposals; however, David Raugh stated the front wall must be repaired as soon as possible; therefore, quotes should be obtained.

### Planning Committee

- No Report.

## COMMITTEE REPORTS, CONTINUED

### Red Land Community Corporation

- A letter was received by Lewisberry Borough from the Red Cap Corporation stating a decision was made to disband the corporation. Therefore, the Borough will eventually take over the building maintenance and all other responsibilities; however, this will not be immediate due to meeting certain criteria to disband a corporation.

## OLD BUSINESS

- None

## NEW BUSINESS/COMMUNICATIONS

- William Thompson:
  - Jeffrey Raymond contacted the Borough to request permission to teach free photography classes for Lewisberry Borough residents and others. He would like to use the Borough Building free of charge. The Borough Council denied permission.
  - Dolan Oil 2009-2010 fixed price program was received @ \$2.399/gallon while supplies last.
  - York County Waste Authority was planning an expansion; however, this has been delayed.
  - York County Comprehensive Plan updates for 2009 are available for review.
  - York County Planning Commission 2008 Annual Report is available for review.
  - West Nile Virus Program information is available for review.
  - York County Community Foundations has appointed a new President, William Hartman.

## ADJOURNMENT

- A motion to adjourn was made by Mary Pelton and seconded by Edward Farr. Motion carried.