

LEWISBERRY BOROUGH COUNCIL MEETING  
MONDAY MARCH 1, 2010

The meeting was called to order by Sandra Griffith leading in the Pledge of Allegiance to the Flag.

**MEMBERS PRESENT**

Sandra Griffith, Vice President; Matthew Kiner, Mayor; Mark Keener, Daniel Soltis, Nora Sowers, Edward Farr and Mary Pelton.

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

**PUBLIC PRESENT**

Newberry Township Police Officer

Mary Jo Keener, Resident

William and Patty Thompson, Residents

Mark Albright and Jennifer Cassada, Residents  
and Lewisberry Fire Company Representatives

Allison Dougherty, Patriot News

Charles Fenicle, Resident

Joseph Thomas, Resident

Gertrude Fahnstock, Resident

**DISCUSSION CONCERNING FRONT STREET ICE SITUATION**

- William Thompson, resident stated his understanding concerning the ice situation on Front Street was that the Borough would be protected from any law suits or legal action by placing the “Caution, Icy Road” sign as done in 2009. John Elliott stated during the February meeting council felt the sign would not be sufficient to protect the Borough since this was an ongoing problem and council was aware of the situation. Daniel Soltis stated the letter did not reflect what was stated in the meeting.
- Mr. Thompson stated he understood the consensus of this problem that has been there for years and after meeting with the engineer it looked like there wasn’t going to be an easy, inexpensive way to solve this problem. The last he was aware of any discussions, there was a meeting with Paul Fisher, Mark Keener, Daniel Soltis and David Raugh with several residents and at that time, there was a barrel of salt put on Front Street and the residents had been working on the ice from that point on keeping it under control. Then, they received letter. Mr. Thompson suggests having a meeting with residents to come to an agreement that would benefit everyone.
- Gertrude Fahnstock, resident stated she previously had drains in her back yard she was made to remove at the time the sewer was installed and she is questioning if she can use these again which would solve her water problem; however, this is something that would have to be researched to guarantee the water will not be flowing into the sewer. All residents previously had tanks in the back yard that they could be using now; however, like Ms. Fahnstock, had to fill in when the sewer was installed.
- Daniel Soltis suggests three (3) council persons along with any residents that would like to be on the committee work on this problem together to solve it. Daniel Soltis will be Chairman, along with Mark Keener, Edward Farr; along with residents, William Thompson, Joey Thomas, John Katora, Mr. Fenicle and also including Paul Fisher.
- Daniel SOLTIS made a motion which was seconded by Nora SOWERS rescinding the letter sent by the Solicitor to Front Street property owners concerning the ice situation. Motion carried, 6-0.

**RECOGNITION OF PUBLIC**

- Newberry Township Police Officer reported there were twenty-three (23) incidents in the Borough in the month of February.

### SOLICITOR'S REPORT

- John Elliott reported on last month's inquiry from Council concerning prevailing wage in reference to renovating the Borough Park Building. He explained any public work performed using public funds totaling \$25,000.00 or more, you must pay prevailing wage; however, exceptions to this requirement would be for maintenance work and/or repairing facilities. An example would be repairing a roof is considered maintenance; however, replacing the entire roof is not maintenance; therefore, prevailing wage must be paid. A further example would be replacing an outdated furnace or air conditioning unit would be considered maintenance.

### APPROVAL OF MINUTES

- Edward FARR made a motion which was seconded by Mary PELTON to approve the minutes of the February 1, 2010 meeting. Motion carried, 6-0.

### INVOICES AND RECEIPTS

- Daniel Soltis inquired into purchasing a snow-blower for the fire company as discussed in February's Council meeting; however, at this time, there are none available. Mark Keener questioned paying the Fire Company @ \$20.00 per hour to shovel and it was explained there was nothing agreed upon in writing; however, Mark had mentioned in the meeting he would be willing to pay someone \$20.00 to shovel the walks. It was suggested we do an actual agreement with the Fire Company and put in writing the rate to shovel/snow blow/spread ice melt and include the agreement for the snow-blower purchase.
- Daniel SOLTIS made a motion which was seconded by Edward FARR to approve the General Fund, Electric Fund and Road Fund invoices for payment. Motion carried, 6-0.

### COMMITTEE REPORTS

#### Zoning Officer Report – Not Present

#### Mayor's Report

- Matt Kiner reported on the following:
  - During the two snow storms he was in contact with David Raugh and together they made the decision to declare snow emergencies early for both February storms and he also was in contact with Paul Fisher during both storms concerning plowing in the Borough.
  - He has updated the website with 2009 meeting minutes and corrected contact numbers.
  - In reference to Council's discussion in February concerning Mr. Konevich and his numerous vehicles, Matt explained due to the large amount of snow he has not yet contacted him.

#### Road Committee

- Sandra Griffith questioned where the residents are to park that do not have driveways when Front Street becomes an emergency route during a snow event. It was explained they are to park in the fire company parking lot per the ordinance. In reference to the snow events, it was noted there were some sidewalks not shoveled; however, no warnings were issued due to the intensity of the storms.

#### Electric Committee

- Mary Jo Keener would like Council to consider an additional regulation stating if a tenant is disconnected for non-pay, makes the payment and is to be reconnected it should be treated as a new account and a deposit should be required. John Elliot reviewed the regulations already in place and stated # 4 of these regulations giving the Electric Company the right to ask for a \$300.00 deposit plus the amount owed before reconnecting should cover this situation. Discussion ensued.

## COMMITTEE REPORTS, CONTINUED

### Electric Committee, Continued

- Mark Keener stated on this particular account they have received some money from Red Cap for payment of the past due invoices. John Elliott stated as long as the regulations are followed, the Borough has the right to disconnect electricity for non-payment. At this point, Matt Kiner questions if there is a State regulation that electric companies, even municipal electric companies, cannot disconnect a customer's electricity during the winter. John Elliott will research this.

### Library Committee

- Sandra Griffith stated there will be a sub sale on March 17<sup>th</sup> at the Borough Park Building.

### Insurance Committee

- The Committee will be meeting with H. A. Thomson for the Borough's annual review on March 30<sup>th</sup>.

### Park Committee

- Mark Keener contacted George Craker who informed him he would once again look at the building; however, he still has not done so. Daniel Soltis will have someone look at the situation to determine if there is mold in the building.
- The Borough Manager informed Council during a rental there was a problem with the well; therefore, the renters were without water the entire time; however, Dave Raugh was in the Redland Community Center during this rental to allow them to use the bathrooms if necessary. This renter would like to have part of her rental fee returned. Mary PELTON made a motion which was seconded by Edward FARR to refund \$50.00 of the \$100.00 fee due to this problem.
- The Borough Manager shared income and expense sheets for 2007, 2008 and 2009 for the Borough Building. Mark Keener agrees there should be a building on the property; however, he would like to see a new, larger pavilion rather than a building. Sandra Griffith disagrees and would like to keep the building there especially for the library use since all the fundraisers are held in that building and the park. Nora Sowers suggested letting the residents decide. Daniel Soltis is concerned that costs will get higher. Edward Farr reminded Council they must prioritize spending and keeping the building just for the library use is not reasonable. Daniel Soltis stated Council must spend more time thinking and talking about this issue before making any decision. Further discussion ensued.

### Planning Committee – No Report

### Red Land Community Corporation

- Borough Manager was contacted concerning the dissolution of the Corporation explaining the State will not be able to complete the paperwork for approximately 6-8 months; however, the corporation informed the Borough they would agree to turn the property over to the Borough now by having the Borough's solicitor draw up an agreement. At this time Council would rather wait until the state completes the dissolution.

## OLD BUSINESS

- The Borough Manager explained the Snow Removal costs and that all these costs were submitted to the County. We will not know if anything will be paid until approximately six (6) months.
- Lewisberry Borough selected Casey Rees for the AMP Scholarship Nominee
- Mark Albright from Lewisberry Fire Company questioned the low hanging branches in Borough due to having problems with the company's apparatus. It was stated the trees cannot be trimmed during the winter because of the ice; however, George Craker was also preparing a list of trees needing trimmed. Discussion ensued.
- Mark Keener inquired of the Fire Company about the Grant they were to receive for the purchase of equipment. Mark Albright explained there is no problem with the grant and the company is awaiting release of the funds from the State Fire Commissioner's office.

### OLD BUSINESS, CONTINUED

- Mark Keener also questioned if the Borough has keys to the Fire Station. Mark Albright stated he thought there was a key given at one point; however, no one presently has a key. Mark Keener also questioned if the Borough was now paying for the insurance on the Fire Station. Borough Manager informed Council this is correct.
- Mary Pelton explained the Boy Scout discussed in the February meeting may be selecting the cemetery for his Eagle Scout Badge project.

### NEW BUSINESS/COMMUNICATIONS

- The following are available for review:
  - Lewisberry Area Joint Authority January Meeting Minutes
  - York County Planning Commission January Meeting Minutes
  - York Adams Tax Bureau January Meeting Minutes
  - Realtors Association of York and Adams Counties overview of annual home sales
  - West Shore Recreation Commission February Meeting Minutes and Balance Sheet
  - PSAB Constitution Changes Proposed
  - PA State Auditor General's report of the examination of the Liquid Fuels Tax Fund for Lewisberry Borough
- York Haven Borough has contacted Lewisberry to inform us if anyone is interested in attending the PSAB Annual Conference in Pittsburgh they have housing available at no cost and would be willing to share transportation.
- Borough Manager explained the TCC Committee will be selecting a tax collection agency within the next few months.

### ADJOURNMENT

- Edward FARR made a motion which was seconded by Mary PELTON to adjourn the meeting @ 9:15 pm. Motion carried, 6-0.