

LEWISBERRY BOROUGH COUNCIL MEETING

MONDAY, OCTOBER 4, 2010

The meeting was called to order by David Raugh leading in the Pledge of Allegiance to the Flag.

MEMBERS PRESENT

David Raugh, President; Sandra Griffith, Vice President; Matthew Kiner, Mayor; Mark Keener, Nora Sowers, Edward Farr and Mary Pelton

Daniel Soltis was absent with excuse.

Also Present: Mary Ellen Banks, Borough Manager; Steven Miner, Solicitor

PUBLIC PRESENT

Jerrith Shultz, Zoning Officer

John Snyder, Newberry Township Police Chief

William Thompson, Electric Commission

Allison Dougherty, Patriot News

Travis and Amanda Fuhrman, Doug Morrow, Dennis Beck and Brad Wright; Lewisberry Fire Company

Charles Fenicle, Resident

Mary Muir, Resident

RECOGNITION OF PUBLIC

• Lewisberry Community Fire Company Business

- Mark Keener, Council's liaison for the merger stated at the last merger meeting with Fairview they reviewed the legalities and at that time he explained the Borough wants no responsibility regarding maintenance for the Fire Station. He also informed Fairview the Borough will continue the \$5000.00 annual donation to the Fire Company. At the next meeting he will review allowing the Borough to rent the social hall free of charge if requested. November 4th is next scheduled meeting and the Fire Company representatives explained they are still requesting a business owner from the Borough to participate.
- Travis Fuhrman did not have the September Fire Report which will be sent directly to the Borough office. He explained they have had four (4) new members apply this month.
- Douglas Morrow presented the status of the Fire Company's current finances as follows:
 - An accountant has been contracted to complete the back tax returns. This accountant works specifically with distressed non-profit organizations and will not charge his time. They have been assessed a fine of \$500.00 from the IRS at this time; however, have now requested an extension for 2009.
 - Glatfelter Insurance Company has notified the Company that 2008 and 2009 invoices were not paid equaling \$3437.00. The Insurance Company has agreed to a payment plan.
 - Newberry Township agreed any expenditure with a receipt they will reimburse.
 - Doug has been confirmed as Treasurer of the Firemen's Relief Association. The Fire Company and the Borough has been notified the 2010 funds are being withheld by the State due to various issues found during the State Attorney's General's semi-annual audit. At this time, the Attorney General's office is conducting an investigation into various withdrawals.
 - The 1966 Hahn is for sale.
 - Mark Keener inquired how they plan to reduce the electric bill since the 2010 \$5000.00 allotment is in danger of being depleted. Doug explained the company assumes the high usage is due to the live-in program which was implemented as a tool to ensure there was staff at the station to cover emergencies. The Company needs to either change the program or discontinue it.

• Chief Snyder of Newberry Township Police Department reported the following:

- There were nineteen (19) incidents in the Borough in the month of September.
- When he receives the rate for 2011, he will notify the Borough.

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SOLICITOR'S REPORT

- Steven Miner presented the following:

- In the four previous meetings there has been discussion on the International Property Maintenance Code Ordinance which has been advertised in the York Dispatch for possible adoption. David Raugh explained all neighboring Townships and Boroughs have passed this code and it is an excellent tool to assist the Borough in ensuring all properties are maintained. Edward FARR made a motion to pass this the International Property Maintenance Code Ordinance which was seconded by Nora SOWERS. Roll call vote: Nora Sowers, yes; Mark Keener, yes; Edward Farr, yes; Sandra Griffith, no; Mary Pelton, no; David Raugh, yes. Motion carried, 4-2. The ordinance takes effect immediately. Sandra Griffith inquired if we will now enforce this code and Steven Miner explained it needs to be complaint driven. When a complaint is received, a notice of violation must be sent in writing and if not corrected in the timeline stated, the violation will then be filed with the district justice.

- Steven Miner further reported he instructed David Raugh to sign and return a petition received from the solicitor of the PMEA concerning the Dodd-Frank Act for Extension of Exemption of the Commodity Exchange Act which had provisions in it that would have affected the Borough. The petition had a deadline of September 20th which was done; however, Council must now ratify this action. Edward FARR made a motion which was seconded by Mark KEENER to ratify the President's action of signing the Dodd-Frank Act for Extension of Exemption of the Commodity Exchange Act petition. Motion carried. 6-0

APPROVAL OF MINUTES

- Mark KEENER made a motion which was seconded by Mary PELTON to approve the minutes of the September 7, 2010 meeting. Motion carried, 6-0.

INVOICES AND RECEIPTS

- Mary PELTON made a motion which was seconded by Sandra GRIFFITH to approve the General Fund, Electric Fund, Road Fund and Building Maintenance Reserve Fund invoices for payment. Motion carried, 6-0. Note: The snow blower has been delivered and will be stored in the building at the Borough Park. Donald Dodson has agreed to do the hand snow removal which will include using the snow blower and shoveling; Council suggests paying Mr. Dodson \$15.00 per hour and David Raugh will make this offer.

COMMISSION AND BOARD REPORTS

Zoning Officer Report

- Jerry Shultz stated no permits were applied for in September.

Mayor's Report – Matt Kiner

- There was a barking dog issue at 108 Front Street. Jerry Shultz originally made the complaint and since he was present at the meeting he did explain the problem seems to be settled. The owner, Charles Fenicle, also present, explained the dog is five (5) months old and hopes he will outgrow the barking. Matt Kiner explained to Mr. Fenicle the Borough does have an ordinance for nuisance animals and noise which will cover this situation if it continues.
- He and Steven Miner had looked at the Konevich property earlier in the year due to Nora's complaints about the junk cars and the property on Front Street. There are three (3) properties that came up previously for discussion including Konevich and Sinsabaugh properties. Sandra Griffith stated Mr. Sinsabaugh has had assistance with cleanup of the yard trash; however, the area around the mailbox is Borough property; therefore, that area is the Borough's responsibility. David Raugh will contact Donald Dodson and ask him to clean this area and others in the Borough. No decision was made at this time on notifying any property owners of violation of the new ordinance.

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COMMISSION AND BOARD REPORTS, CONT'D

Road Commission

- Edward Farr stated there is no report on the Front Street situation.

Electric Commission

- William Thompson reported on the PMEA Conference that he attended with David Raugh:
 - While there, they attended several interesting seminars including a solar energy plant municipalities could install to generate electricity; however, it would require six (6) acres. This would generate half the electric used in the Borough. The company would build the system and lease the land at no cost to borough. Discussion ensued.
 - House Bill 2619 which is up for vote at this time would require the Borough and Township's Electric Companies to be regulated by the PUC. If this bill is not passed this year, at some point, it will be re-introduced. Therefore, the PMEA has developed Standards of Good Practice which they encourage members to adopt. This was drafted along the lines of the PUC regulations to allow PMEA to be able to inform the State legislature we are policing ourselves. This is not mandatory and the Borough can design around current regulations. William Thompson and David Raugh will review and make recommendations to Council.
 - The PMPA which includes sixteen (16) municipalities that contract collectively to purchase electricity through AMP explained dues in 2011 will now be weighted by annual consumption.
- David Raugh reported the following:
 - He attended a class concerning generation of residential electricity. The Government is encouraging residents to install other means of generating electricity such as solar panels. At this point, the Borough is not required to buy back the electricity not used; however, this may change. Lewisberry has no technical requirements for residents for installation; however, he once again suggests they enact an ordinance to regulate this. Discussion ensued with no decision being made
 - The PMEA and PMPA treasurer's reports are available for review.
 - The listing of all PMEA members is in all Council Member's packets.
 - After discussing with other members at the Conference concerning pole rental agreements some areas are receiving as little as \$5.00/pole and others are as high as \$30.00/pole. Council suggests reviewing this and possibly re-negotiating with Blue Ridge Cable and Frontier.
 - The AMP Public Power Week is October 3rd through the 9th.
 - There is a company that is now selling windmills that attach to your house; however, these are not perfected at this time.

Library Commission

- Sandra Griffith stated the Library hosted a food auction yesterday, October 3rd.
- Sandra also informed Council there were missing items from a locked closet and inquired who has keys to the Borough Park Building. There is no master list; however, she suggests we begin a list to better control the locked areas.

Insurance Commission

- PIRMA 2009 Annual Membership Report is available for review.

Park Commission

- David Raugh stated during the last rain storms, the park building roof leaked. David will meet with a roofer to repair and Jerry Shultz will inspect the damage to the ceiling.
- Mary Pelton explained to Council she had contacted Scott Perry and Todd Platt's office about possible grants to repair and upgrade the Borough Building and gave a grant application to the Borough Manager. After review, the Borough Manager informed Council, the envelope contained a list of possible websites and organizations to research for grants. Discussion ensued. Borough Manager will review grant information.

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COMMISSION AND BOARD REPORTS, CONT'D

Redland Community Building Commission

- David Raugh explained the Commission must arrange to meet as soon as possible. Before doing so, he will give all members a copy of the current lease with Redland Community Action to review. Once the Commission arranges a date for the meeting, please inform the Borough Manager to arrange with Recap to use the Community Room.
- The plumbing and filtering System must be repaired.
- The pole replacement in front of the building will start Thursday and be completed by Friday.
- The discussion concerning the maintenance person for the Community Building will be tabled until next month.
- Mark Keener has purchased and donated the light bulbs for the memorial.
- All light ballasts and bulbs must be changed in the community building and the park building eventually due to the new Federal laws. Currently there are two (2) bulbs in each light and will be changed to three (3) bulbs which are more energy efficient. The cost of this will be in 2011 budget; however, at this time, the Borough could purchase several cases of lights and the old ballasts. Sandra GRIFFITH made a motion which was seconded by Mary PELTON to purchase two (2) cases of the current bulbs. Motion carried, 6-0.

OLD BUSINESS

- The Borough Manager stated the unpaid trash bill on Heck Hill was paid before turning over for collection or stopping trash pickup.
- Mark Keener explained the Lewisberry Road property which was questioned previously, has been paying trash.
- The Budget Committee Meeting will be held on October 6th @ 6:00.

NEW BUSINESS/COMMUNICATIONS

- Mary Ellen Banks, Borough Manager explained to Council the TCC Ordinance Information required to be passed prior to December 1, 2010. Mary PELTON made a motion which was seconded by Sandra GRIFFITH to authorize the secretary to advertise the summary of the ordinance, three (3) times to be prepared for the November meeting. Motion carried, 6-0.
- York County Borough's Association Annual Banquet Invitation is in all members packets.
- PA One Call 2009 Annual Report is available for review.
- The West Shore Recreation Commission request was received with no change for 2011. Mary PELTON made a motion which was seconded by Nora SOWERS to contribute \$841.00 to the West Shore Recreation Commission for 2011. Motion carried, 6-0.
- West Shore Recreation Board September 9th Agenda and August 10th Meeting Minutes are available for review.
- The York County Quick Response Team request for a donation was received. No action taken.
- Mark KEENER made a motion which was seconded by Sandra GRIFFITH to sign the SPCA Animal Care Agreement for 2011 at the same rate of \$193.00. Motion carried, 6-0.
- The Animal Control removal agreement for 2011 was received with no change; however, Council requests Borough Manager to research this agreement before signing to better understand.
- The OPPEI/AMP/OMEA Conference will be held on October 25-28 in Columbus, Ohio.
- Mary Pelton stated she had the shrubs trimmed around the memorial. There is concern the tree is pushing up the brick sidewalk.

ADJOURNMENT

- Sandra GRIFFITH made a motion which was seconded by Nora SOWERS to adjourn the meeting. Motion carried, 6-0.