

LEWISBERRY BOROUGH COUNCIL MEETING

MONDAY, DECEMBER 6, 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, Daniel Soltis and Mary Pelton

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

PUBLIC PRESENT

Jerrith Shultz, Zoning Officer
Mary Jo Keener, Lewisberry Electric and Resident
Pamela Soltis, Resident
Eric Hawkins, Fairview Township Fire Department
Travis Fuhrman, Dennis Beck, Donna and Geoff Coder, Brad Wright, William Wentz, Tony Marks, Robert Weish, Duster Bream, Henry Hartman, Douglas Morrow, Joell Tay; Lewisberry Fire Company
Bob and Andrew Rowley, Boy Scouts of America, Troop 312 and Keith and Micah Patterson, Boy Scouts of America, Troop 360

John Snyder, Newberry Township Police Chief
Allison Dougherty, Patriot News
Rob Brady, DCED

RECOGNITION OF PUBLIC

- Andrew Rowley from the Boy Scouts of America Troop 312 is working for his Eagle Scout Badge and would like to restore the Nebinger Cemetery. Council members explained this cemetery is not in the Borough and is privately owned; however, Lewisberry Council gives it's blessing to this project and suggests he contact the owner.
- Chief Snyder of Newberry Township Police Department reported the following:
 - There were fifteen (15) incidents in the Borough in the month of November.
 - Chief Snyder presented the 2011 contract for police coverage for Lewisberry Borough for review with a 5% increase from \$14,562.72 to \$15,290.87 annually; \$1,213.56 to \$1,274.24 monthly. Daniel SOLTIS made the motion which was seconded by Mary PELTON to accept Newberry Township's Police Coverage Contract at \$15,290.87 for 2011. Motion carried, 7-0.

SOLICITOR'S REPORT

- Steven Miner presented the following:
 - The Ordinance for "Local Traffic Only" for Front Street between Market Street and Heck Hill Road during winter months has been dully advertised and is before the Board for adoption. Edward FARR made a motion which was seconded by Nora SOWERS to adopt this Ordinance limiting local traffic on Front Street during the winter months. Roll Count Vote: Mary Pelton, Yes; Sandra Griffith, Yes; Edward Farr, Yes; Daniel Soltis, Yes; Mark Keener, Yes; Nora Sowers, Yes; David Raugh, Yes. Motion carried, 7-0.
 - After receiving information from Matt Kiner, Mayor that the resident at 216 Nebinger Street was burning during the Borough's restricted hours he sent a letter to this resident to cease and desist.

APPROVAL OF MINUTES

- Daniel SOLTIS made a motion which was seconded by Mark KEENER to approve the minutes of the November 1, 2010 meeting. Motion carried, 7-0.
- Edward FARR made a motion which was seconded by Nora SOWERS to approve the minutes of the November 10, 2010 meeting with a correction from Sandra Griffith asking the minutes to clarify her comments during the meeting. She requests it state that her comments concerning the West Shore Recreation Commission and volunteering as the consultant for the Electric Company discussions were made specifically with the intent to save the Borough money. Motion carried, 5-0 with Daniel Soltis and Mark Keener abstaining since they were not present for the November 10th special meeting.

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- Further discussion concerning the November 10th meeting included David Raugh reported the West Shore Recreation Bureau shared information concerning the Borough that 17.92% (69 of 385) Lewisberry residents have participated in the West Shore Recreation Commission between January 2008 to September 2010 and also 11.43% (44 of 385) households created accounts at this Bureau.

INVOICES AND RECEIPTS

- Mark KEENER made a motion which was seconded by Edward FARR to approve the General Fund, Electric Fund, Road Fund and Building Maintenance Reserve account invoices for payment. Motion carried, 7-0.

COMMISSION AND BOARD REPORTS

Zoning Officer Report –Not Present at this time

Mayor's Report – Matt Kiner

- Since the November Council meeting he has looked at two (2) properties; the first being at 308 East Front Street which had a large pile of debris and has since erected a tent around it and the second being the Konevich property which now has fewer vehicles than at the beginning of the year. Matt explained he will be reviewing the new Property Maintenance Code; however, will not recommend to Council to take action at this time. Daniel Soltis requests that Matt inquire into what the owner of the outdoor furnace is currently burning as it appears there is a problem either with the unit or what he is burning.

Road Commission – No Report

Electric Commission

- David Raugh reported he and William Thompson will be attending a meeting in Kutztown and will give a report to Council in January.

Library Commission – No Report

Insurance Commission – No Report

Recreation and Grounds Commission

Sandra Griffith stated she noticed the fan over the stove needs to be closed up at the park building. David Raugh will take care of this and also reported the drywall repaired in the front corner will be painted in the spring.

Lewisberry Community Building Commission

- Edward Farr stated the Commission will be meeting in January.
- Mark KEENER made a motion which was seconded by Mary PELTON that when David Raugh receives another proposal for new locks and keys he is to contract with the less expensive company to complete this project before the end of the year. At this time he has two proposals; Summit Locksmith for \$550.00 and Pop-A-Lock for \$1,025.00. Sandra Griffith will give David the contact information for the company that previously did the keys for the building. Motion carried, 7-0.
- Daniel SOLTIS made a motion which was seconded by Mark KEENER to accept Thomas and Doherty estimate to complete the update for the water treatment at this building to bring up to code at a cost not to exceed \$862.71. Motion carried, 7-0.

OLD BUSINESS

- Lewisberry Community Fire Company:
 - Doug Morrow:
 - Reviewed the financial report sent earlier via email.
 - David Raugh inquired as to the total debts which Doug explained approximately \$9,000.00; however, he will supply a current list for January Council meeting.
 - Mark Keener also inquired if they have a budget for 2011 and Doug explained they will supply a budget using 2010 figures also for January Council meeting.
 - The company's insurance renewal will be in February and they are again taking bids.

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OLD BUSINESS, CONTINUED:

- Lewisberry Community Fire Company:
 - Doug Morrow:
 - The Lewisberry Firemen's Relief Association has been penalized by the State Auditor's Generals Office for the amount of money which is missing and is approximately \$50,000.00. The Office will be withholding part of Newberry Township's Firemen's Relief money (approximately \$23,000.00) and all of Lewisberry's (approximately \$2,300.00) for the next two years. In addition, the Auditor Generals Office is still investigating the missing funds.
 - Dennis Beck:
 - Explained all of these problems are from the past administration and the current officers are doing their best to correct all; therefore the company hopes Council does not penalize the current administration.
 - The merger with Fairview Fire Company is on hold until all of the problems can be rectified. David Raugh expressed his concern with what council was told last month that the Company was going to order new gear and stated they should not spend what they do not have. Travis Fuhrman, Chief explained new gear is on hold due to the financial situation along with State and Federal grants which are also on hold.
 - They are asking Council to take into consideration what they have accomplished. Edward Farr stated although the Company has accomplished a lot, they have done this before and in two years, ended up in a worse situation. Travis Fuhrman stated they now run the company like a business and have put safeguards in place to prevent the same thing happening. They care about the Borough and the residents. Mark Keener inquired of the members if Fairview Fire Company does move into the Station, will the volunteers of Lewisberry Fire Company work with them and all stated yes.
 - Daniel Soltis stated he liked the fact that Fairview Township would hold the purse strings if the merger would have gone through since it would have prevented what happened at Lewisberry. Mark Keener stated he is concerned if council informs Fairview Township they want six (6) months, Lewisberry Fire Company fails and at that point Fairview removes all the offers, the residents of Lewisberry will suffer. Council has a responsibility to provide fire service and to do what is beneficial for the residents of Lewisberry.
- Additional questions during the Fire Company Discussion:
 - Where will the company get additional income? Answer was rentals and dinners. Dennis Beck suggests Lewisberry Borough control the finances; however, Mark stated the Borough does not have the manpower to do that.
 - What would happen if a piece of equipment needed major repair? Travis Fuhrman stated the Fire Company's insurance would take care of the repairs.
 - Who was in charge of Firemen's Relief in 2007, 2008 and 2009 which are the years the money is missing from? Dennis Beck stated he was involved in the Relief Association; however, his hands were tied and he was continually told not to worry about it.
 - What happens to the equipment (apparatus) if the Fire Company dissolves? Doug Morrow stated the by-laws state the equipment is to be sold and pay off any debts and the additional monies remaining will be divided among the charter members. Mary Ellen Banks stated the by-laws earlier in the year stated the equipment is to be sold only to pay off debts and the rest to be left for fire company utilizing the current station.
- Mark Keener informed Council during the merger meeting, Fairview Township made an offer to assume responsibility for the fire service for the Borough and they will try to attend this meeting at 9:00. If Council makes the decision to do this, Lewisberry would be responsible only for the \$5000.00 annual donation which pays the electric for the station.

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OLD BUSINESS, CONTINUED:

- Lewisberry Community Fire Company:
- Travis Fuhrman stated one of the reasons the merger is on hold, Lewisberry Community Fire Company's individuality will be gone and the members will not have a voice in everything.
- Edward Farr stated he wanted to ensure it is clear that what this group has done in last six months is commendable.

- David Raugh explained we have received 6 applications for the part-time hourly clerical position including several from Lewisberry. Sandra Griffith stated there is no justification for hiring anyone for this position and Daniel Soltis stated we should hire the most qualified. Discussion ensued. Mark KEENER made a motion which was seconded by Daniel SOLTIS on the recommendation of the majority of the committee to offer the position to Danna Lutes. Motion carried, 7-0.

COMMUNICATIONS RECEIVED

- PA One Call Annual Meeting
- PA One Call Expiring Board Members
- PA State Association of Boroughs Service Awards
- West Shore Recreation November Meeting Minutes

NEW BUSINESS

- Mary Ellen Banks, TCC Committee delegate explained the Borough's portion of costs will be invoiced for 2011 which decreased by .04%. If there are remaining funds at the end of 2011, these will be refunded to all municipalities. In 2012 the costs for this will be paid out of the EIT collections as is currently done with the York-Adams Tax Bureau.

- 2011 Budget
 - The proposed budget which had been dully advertised was presented by the Borough Manager:
 - Daniel SOLTIS made a motion which was seconded by Edward FARR to accept the proposed budget. Motion carried, 7-0.
 - Mark KEENER made a motion which was seconded by Nora SOWERS to adopt the Tax Ordinance raising Real Estate Tax ½ mill. Roll Count Vote: Mary Pelton, Yes; Sandra Griffith, Yes; Edward Farr, Yes; Daniel Soltis, Yes; Mark Keener, Yes; Nora Sowers, Yes; David Raugh, Yes. Motion carried, 7-0.
 - Daniel SOLTIS made a motion which was seconded by Mary PELTON to raise the Lewisberry Electric Rate \$.01 to \$.13 a kilowatt effective with January usage. Motion carried, 7-0.
 - Mark KEENER made a motion which was seconded by Edward FARR to donate up to \$5,000.00 for electric usage for the Fire Station for whatever company is providing fire protection in the Borough in 2011. Motion carried, 7-0.
 - Edward FARR made a motion which was seconded by Mary PELTON to donate \$5,000.00 to the Annie Sterline Library in 2011. Motion carried, 7-0.
 - Daniel SOLTIS made a motion which was seconded by Sandra GRIFFITH to transfer the Electric usage and Library rental to the Borough Maintenance Checking Account for bookkeeping purposes. Motion carried, 7-0.
 - Mary PELTON made a motion which was seconded by Daniel SOLTIS to accept the meeting dates for 2011 as listed for the Borough Council meetings to be held on the

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first Monday of each month with two exceptions being July 4th and September Labor Day held on the first Tuesday of those months. Motion carried, 7-0.

OLD BUSINESS, CONTINUED:

- Lewisberry Community Fire Company Discussion Continued from above:
- Mark Keener introduced Rob Brady that works for the DCED and provides advice to all municipalities in the State concerning fire service. When asked if the Borough would be responsible for the missing funds in the Firemen's Relief, Mr. Brady explained the Fire Company is 100% responsible to pay this money back through the State withholding the funds. He also explained to the Council that Firemen's Relief monies is paid to the State via homeowner's insurance. 2% of all homeowner's insurance goes into the Relief Funds which are then dispersed to each municipality who is responsible to be sure the money is spent correctly by the Fire Company they designate.
- Mr. Brady informed Council during the merger meetings he had made recommendations to both Dennis Beck and William Carlisle, Fairview Fire Chief; however, the merger is now on hold. Dennis had informed Rob he had serious reservations of what has been found in the Fire Company books, etc. and he did give advice to Dennis to inform Lewisberry Borough, contact an attorney and check with an accounting firm. Rob is still here for guidance and direction even though the committee has made the decision to put this merger on hold.
- When David Raugh inquired of Eric Hawkins, Fairview Fire Company Deputy Chief, if Fairview would have the staff to man the Lewisberry Station he answered in the affirmative especially if they place an engine in the Borough. He also explained that is one of the reasons they have paid fire fighters to assist due to lack of volunteers not only in Fairview, but everywhere. Eric stated everyone has to work together to make the issues go away and no one can guarantee 100% coverage when you are using mostly volunteers. Fairview Township answered over 605 calls in 2010 and the members do not have to be concerned with operating costs, equipment, apparatus maintenance or equipment for the firefighters; nor do they have to do any fundraising.
- Rob Brady explained there are numerous fire companies in Pennsylvania that are either merging or dissolving. The Committee needs to stay intact since doing nothing does not solve the problem. It will require an attitude change on everyone's part.
- Fairview Township Supervisors sent a message to Lewisberry Council via a Fairview citizen informing them the Board voted this evening 5-0 to inform Lewisberry Borough that Fairview Township will provide fire service per the terms outlined in merger talks subject to a signed agreement between both municipalities. The Supervisors will provide Lewisberry Borough with a formal copy of the motion. When David Raugh inquired how long is this offer will be available, Council was informed the Township is more than happy to work with the Borough for as long as it takes. Discussion ensued with no decision being made.

ADJOURNMENT

- Daniel SOLTIS made a motion which was seconded by Mary PELTON to adjourn the meeting. Motion carried, 7-0.