

TUESDAY, SEPTEMBER 6, 2011

MEMBERS PRESENT

PUBLIC PRESENT

REFUSE CONTRACT BID OPENING:

RECOGNITION OF PUBLIC

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LEWISBERRY BOROUGH COUNCIL MEETING

TUESDAY, SEPTEMBER 6, 2011

RECOGNITION OF PUBLIC, CONT'D.(Eric Carr)

- The property at 304 West Front Street has three (3) apartments; however, were only approved for two. Mark Keener explained there are only two (2) apartments at this property and each has their own electric meter. The third meter is for the sump pump in the basement. Mr. Carr stated he has seen three (3) different groups going in and out of the apartment. In addition, according to the Borough's ordinance, they are to provide off-street parking; however, this is sometimes blocked. Council explained the borough can't force them to use the off-street parking; therefore, the tenant must complain to landlord if they can't park off-street.
- Robert Smith, resident, received a complaint of water from the sump pump in the basement coming on to the properties at 108 and 202 W. Front Street from 107 W. Front Street which is the Motto property. Since this is a violation of the Borough's ordinances, Mr. Motto should be given notice of this complaint. Mr. Smith will inform Mr. Motto of the problem.
- Lewisberry Fire Company:
 - Dennis Beck, Fire Chief reported on the following:
 - The fire report will be emailed to the Borough Manager.
 - The Fire Company will do the cleanup of the fallen tree from the storm as a training exercise.
 - Mark Keener inquired why financial statements are no longer made available. Geoffrey Coder explained he has been working extra time and has not completed the August statement; however, once it is completed, he will forward it to the Borough office via email.
 - The Fire Company will inspect the Sinsabaugh property as requested previously.
 - Mark Keener inquired on the insurance company that was to cover all equipment repairs as explained to the Borough on numerous occasions. Mr. Beck explained the insurance company will not cover the engine pump failure since there were no maintenance reports due to Mark Albright doing repairs in house. The Company is planning on selling this engine.
 - The engine they purchased from West York for \$7,000.00 has all the maintenance reports so they are confident it has been maintained. Mark Keener asked also about a new piece of equipment that was seen at the Station. The Company assures Council they were just looking and since the company was in the area, they stopped by to demo it for the members. When asked what pieces of equipment are road and fire worthy, they explained the brush truck and the engine just purchased. There is some interest in the other two pieces which are for sale.
 - The Borough has received an additional letter from the Auditor General's office explaining once again that Lewisberry Borough's Fireman's relief monies for 2010 and 2011 are still suspended.
 - Mr. Beck explained their attorney is meeting with the Company's members at their next meeting.

SOLICITOR'S REPORT

- Steven Miner reported on the Fireworks Ordinance which has been duly advertised. Daniel **SOLTIS** made a motion which was seconded by Edward **FARR** to pass the Fireworks Ordinance as advertised. Motion carried. 7-0. Roll Call Vote: Mary Pelton, Aye; Sandra Griffith, Aye; Edward Farr, Aye; Daniel Soltis, Aye; Mark Keener, Aye; Nora Sowers, Aye; David Raugh, Aye.
- The Sinsabaugh Property filing has been done with a hearing date of September 19th; therefore he and Matt will prepare exhibits and testimony.
- His firm has sent the Borough a rate letter for 2012 with no changes.

APPROVAL OF MINUTES

- Edward **FARR** made a motion which was seconded by Sandra **GRIFITH** to approve the minutes of the August 1, 2011 Meeting. Motion carried, 7-0. Mary Pelton explained in the minutes it was stated that Kathy Weems objected to her giving her opinion on the Orris property's driveway permit. Mary wanted to state that as a neighboring property owner, she has the right to her opinion. This will not change the minutes since it was stated correctly. Steven Miner stated a correction should be made concerning the advertising of the Fireworks Ordinance since his firm did not do the advertising, Mary Ellen Banks advertised the ordinance.

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INVOICES AND RECEIPTS

- Mary **PELTON** made a motion which was seconded by Daniel **SOLTIS** to approve the General Fund, Electric Fund, Road Fund and Building Maintenance account invoices for payment. Motion carried, 7-0.

COMMISSION AND BOARD REPORTS

Zoning Officer Report – Jerry Shultz

- James Nace is questioning his request for a permit for 108 North Street. He is a potential buyer of the property which is two apartments that were never completed. Council's consensus is the proper paperwork has already been completed; therefore, it will be necessary to only complete a permit and follow through with the inspections (Commonwealth Code) when completed. At that time and going forward, he will be charged for two (2) trash pickups.
- He has denied the permit from Kathy Weems for the driveway on the Orris Property. Kathy has requested through the Right-to-Know Law, paid and received a copy of the Borough's Comprehensive Plan Book.
- Mary Ellen Banks stated she will submit an order for new Zoning Books.

Mayor's Report – Matt Kiner

- Matt Kiner reported the following letters have been issued by the Borough Office:
 - Fenicle/Reigle letter concerning the van and travel trailer which has been settled.
 - 206 W. Front Street which is bank owned has had nothing done to the property. Thirty (30) days will be the 19th of this month.
 - Patrick Groft letter concerning an unregistered vehicle which has been settled.
 - Vicki Jenkins has received the letter concerning the poison growing behind the property. Again, thirty (30) days will be the 19th of this month.
 - Matt will report back to council in October and Council will decide on the properties.

Road Commission

- Sign Reflectivity Assessment report needs to be completed. Volunteers from Council will do this.
- David Raugh has contacted both Fairview and Newberry Township concerning cleaning the right-of-ways in the Borough; either Township is willing to loan the Borough equipment (at a cost); however, not at this time, possibly in the spring which would be the better time to complete.

Electric Commission

- Mark Keener informed Council a tree fell at 104 North Street causing damage to the meters at 104 and 108 North Street. Henkel and McCoy repaired all electric damage and removed the tree from the electric lines; however, the owner is responsible for the meter replacements. This will be reported to the Borough's Insurance Company.
- The PMEA (Pennsylvania Municipal Electric Association) annual conference is scheduled at State College costing approximately \$545.00. Daniel **SOLTIS** made a motion which was seconded by Nora **SOWERS** for William Thompson and David Raugh to attend this conference. Motion carried, 7-0.
- AMP has adopted a set of Sustainability Principals and has asked the Borough to select a representative for this subcommittee. Mary **PELTON** made a motion which was seconded by Nora **SOWERS** to appoint William Thompson as Lewisberry Boroughs representative. Motion carried, 7-0.
- There was a three (3) car accident at Market and 5th Streets which damaged an electric pole. This will be reported to the Borough's insurance company.
- Sandra **GRIFFITH** made a motion which was seconded by Mary **PELTON** to sell Lewisberry Borough's share of our portion of renewable energy credits from EDI LFG for 2012 and 2013 as proposed by AMP and recommended by William Thompson. Motion carried, 7-0.

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COMMISSION AND BOARD REPORTS, CONT'D.

Electric Commission (Continued)

- As reported, there are various street lights needing replaced.

Library Commission

- Sandra Griffith reminded all the Chili Cook-off will be held on September 10th and there will be a sub sale on September 21st.

Insurance Commission – No Report

Recreation and Grounds Commission

- David Raugh explained we have a quote from Thomas and Doherty for \$1,702.50 for an ultraviolet light installation at the Borough Park. Daniel Soltis asked David to have the water tested prior to installing this light and researching what is needed at the building as far as water repairs. Discussion ensued on cost of maintaining this building versus benefit.
- David Raugh and Mary Ellen Banks will research weed maintenance for the playgrounds for 2012 since both grounds have gotten out of control.
- Sandra Griffith stated the refrigerator plug was pulled; we should not do this since renters use the refrigerator. The Borough Manager will make a sign for the refrigerator to not leave food and will have the janitor check after events and remove any food items.

Lewisberry Community Building Commission

- Edward Farr reported the Commission has met. Mitzi at Redcap will be given a list of emergency contacts for minor items; however, someone from the Borough should be available for major emergencies. In addition, Mitzi will be given a master key for emergencies.
- Mary **PELTON** made a motion which was seconded by Sandra **GRIFFITH** to order a new fan motor for the men's room which Terry Yinger will install. Motion carried, 7-0.

OLD BUSINESS

- The Borough Manager has attempted to call York County to inquire about the Community Service Workers program; however, she still has not received a call back.
- Mary Ellen Banks explained she has only received one (1) resume for her position and would like to advertise it. Daniel Soltis stated we should pay to advertise this position; however, the consensus is to use free advertising such as Craig's List, Career Link, Blue Ridge Cable, etc.

COMMUNICATIONS RECEIVED

- West Shore Recreation Commission August Agenda and July Minutes
- Waggoner, Frutiger and Daub Audit for West Shore Recreation Commission for 2010
- PA Department of Transportation Invitation for Winter Partnership Meeting – Oct. 18
- PA One Call 2010 Annual Report
- PIRMA 2010 Annual Report
- PA York County Solid Waste & Refuse Authority Update on Countywide Municipal Waste Management Plan for 2015
- PA State Association of Boroughs Fall Leadership Conference

NEW BUSINESS

- The snow removal request for bids notice will be advertised.
- York County Planning Commission Integrated Water Resources Plan Flowchart has been received.

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NEW BUSINESS, CONT'D)

- Robert Smith, resident explained he attended the Lewisberry Community Fire Company meeting and has a copy of the Treasurer's Report which was not given to Council when asked by Mark Keener above. In addition, he stated the following was discussed in this meeting: 1) The engine pump will not be repaired; however, the apparatus will be made road-worthy for approximately \$1,300.00; 2) All firefighters (approximately 16) must take a mandatory CPR class @ \$75.00 each; 3) The Company held a sub sale which made no profit, actually cost money; 4) the Company planned a boot drive and once again canceled because of the fog. With all the expenses discussed and after purchasing another engine by using \$7,000.00 of Newberry's allotment, it is Robert's opinion the Company will have approximately \$153.00 at the end of the year. This will not include paying down any of their debts as promised, paying back the \$19,000.00 grant, replacing the \$25,000.00 to the Relief Association from the sale of the Chief's Truck, etc. Mark Keener asked Mary Pelton and Nora Sowers, the Borough's representatives for the Fire Company if they are in agreement with what Robert stated. Both stated in the affirmative and also that it is very confusing during the meetings when they discuss finances. Robert stated they do an excellent job fighting fires; however, finances are not handled well.
- Eric Carr, resident stated Council must do whatever it takes to protect the Borough and the residents and encourages them to contract with Fairview so his property is protected.
- Consensus of the Council is they have struggled with this decision for a long time and even though it is a hard one and won't be a popular one, doing nothing is no longer an option. If Fairview Township is still willing to provide service it will be necessary to have access to the Fire Station and at that time they will house an apparatus in Lewisberry's station and the lease with the Lewisberry Community Fire Company will be terminated. Sandra **GRIFFITH** made a motion which was seconded by Mary **PELTON** to appoint a commission of Paul Fisher, Robert Smith, Daniel Soltis, David Raugh and Mark Keener to finalize negotiations with Fairview Township for fire coverage for the Borough of Lewisberry. Motion carried, 7-0.

RECESS TO EXECUTIVE SESSION FOR LEGAL AND PERSONNEL

RECONVENE TO REGULAR MEETING @ 10:16

The regular meeting of the Lewisberry Borough Council reconvened.

- Edward **FARR** made a motion which was seconded by Mary **PELTON** to hire Terry Yinger for maintenance at \$15.00 per hour. Motion carried, 7-0.

ADJOURNMENT

Edward **FARR** made a motion which was seconded by Mark **KEENER** to adjourn the Meeting. Motion carried, 7-0.