

LEWISBERRY BOROUGH COUNCIL MEETING

MONDAY, OCTOBER 3, 2011

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

MEMBERS PRESENT

David Rough, 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- SEE ATTACHED LISTING MADE PART OF THIS DOCUMENT

RECOGNITION OF PUBLIC

- The Borough Manager opened the one snow plow contract bid which was received from Paul Fisher as follows:

Furnish all labor, materials, trucks, and related equipment to plow snow from the streets of Lewisberry Borough in accordance with the Contract specifications for an hourly rate of \$120.00 and Back Hoe rate, if needed, at \$130.00 hour.

Furnish all labor, materials, trucks, and related equipment to spread cinders for an hourly rate of \$135.00 plus Salt and Cinders purchased from Newberry Township if needed.

Remove snow from the streets of Lewisberry Borough and deliver to the Borough Park, when requested to do so, for an hourly rate of \$190.00.

Mark **KEENER** made a motion which was seconded by Edward **FARR** to accept Paul Fisher snow plow contract bid for 2011-2013. Motion carried, 7-0.

- Lewisberry Community Fire Company
 - Nathan Wolf, solicitor for the LCFC stated the following:
 - After hearing the results of the special Council meeting on September 29, 2011, there are a number of questions and concerns and he would like an opportunity to discuss these with the Borough Council. 1) It was communicated to him that his letter requesting Council to postpone the meeting due to his religious commitments was discussed and the decision was made to not change the meeting; 2) he is concerned with the manner in which public comment was taken with no opportunity for the Fire Company to speak after public comment. He was informed a vote was taken immediately meaning there was no discussion or talk prior concerning this resolution making him draw a conclusion there was discussion before the meeting which violates the Sunshine Act; 3) the letter that was received informing the Company they are to vacate the fire station; 4) Does the Company have workmen's compensation since they do still cover Newberry Township; 5) The Borough was never left in jeopardy; 6) He has talked with the Auditor General's office that stated all the officers and members they dealt with were very cooperative; 7) if there are a series of events that would make this Company solvent, would this suffice; 8) he has met with the officers and they are more than willing to share whatever info Council requests including prior and current records; and 9) he is asking Council on the Company's behalf to take an opportunity now to continue working together before things move forward.
 - Travis has sent an email stating that the Lewisberry Community Fire Company is out of service at this time.
 - The Borough Manager stated the Fire Company's Workmen's Comp insurance was canceled when the Company was decertified.

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RECOGNITION OF PUBLIC, CONTD.

Lewisberry Community Fire Company Discussion, continued.

- Daniel Soltis answered several of Nathan Wolf's questions/concerns as follows:
 - 1) He understands there was a misunderstanding on the five (5) minute comment period. Sandra Griffith explained that Dennis Beck called her prior to the meeting and she read to him what David stated in the meeting. Steven Miner stated the reason for the five (5) minute comment period was to give everyone a chance to comment, it was not to prevent anyone from commenting. In addition, anyone could request additional time; 2) Daniel Soltis explained the reason there was no discussion by Council was it was not a hasty decision, there had been discussions for the last 1 ½ years. Nor was it an easy decision for any of the Council members; 3) Anytime we asked for information, the discussion turned hostile and we as Council do not have to deal with that attitude any longer; 4) as an example, we asked for the financial report in September's meeting and was told it wasn't prepared; however, a resident produced a copy of it later in that same meeting. Geoffrey Coder stated, there are two Council Members that attend the Fire Departments meetings and they should be responsible for giving Council the report; however, Daniel stated, it is the Fire Company's responsibility to produce the reports without being asked; and 5) Mr. Wolf explained he has discussed this with the officers and an automatic process can be set up for the Borough to receive the reports via email to the borough manager.
- The Borough has received an invoice to Lewisberry Borough from York County for radios purchased in 2009. The Borough was told the Fire Company was to pay \$4,000.00 a year on this invoice; however, only one payment has been made of \$4000.00. Travis Fuhrman explained this was the arrangement and they are to pay \$2,000.00 in the beginning of each year and \$2,000.00 at the end of each year. Since only \$4000.00 has been paid, none were paid in 2009, 2010 payment completed; however, no payment has been made in 2011.
- Mr. Wolf stated these individuals are here to protect the borough and he is concerned there was no notice to cancel the workmen's comp insurance. He asked Council again to take the opportunity to reinstate the Workmen's Comp for the remainder of the year to allow the Fire Company to continue answering calls in Newberry Township. Steven Miner stated the Borough has not received a request from Newberry Township asking Lewisberry to continue the Workmen's Comp insurance.
- Edward Farr stated there is something that is being lost here; these gentlemen are good firefighters and they can continue to do what they do well with Fairview Township Fire Department. The main issue is that they do not have the necessary financial backing or expertise. Daniel Soltis stated this would take away a lot of the stress of the ever-increasing government compliance and paying the bills; they can let Fairview Township take care of those issues.
- Mary Jo Keener, resident, asked if the members know what the Fire Company's debt truly is. Geoffrey Coder explained approximately \$25,000.00. She stated she pays taxes every year and expects good fire service. Even if the Company would find the money to pay off their debts, it will continue to deteriorate with all of the other issues not discussed here. I recommend council rather than continue with Lewisberry Community Fire Company which has been a risk for years to choose to contract with Fairview Township Fire Department that is a secure company.
- Geoffrey Coder asked Council members if they know where their closest AED is located to which Council answered in the negative. When asked by Edward Farr how many times they have used the AED in the Borough, it was once in the last 12 months. Geoffrey explained during an event at the racetrack, the company had to take over with a situation and use the AED; the Newberry Township Police Officer had an AED, however, did not know how to use it.
- Sandra Griffith asked why the members were opposed to joining Fairview Township. Travis Fuhrman explained the merger talks began with explicit discussion to dissolve both Fire Companies, form a new Company with new charter, etc. The supervisors then got involved and it became a takeover. Daniel Soltis explained Fairview was concerned at that time of Lewisberry Fire Company's debts. Travis has talked with Bill Carlisle, Fairview's Chief and explained there is no animosity towards their company.

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RECOGNITION OF PUBLIC, CONTD.

Lewisberry Community Fire Company Discussion, continued.

- Matt Kiner discussed on a positive note during tropical storm Lee, he was not sure if their station was responding especially when 911 center contacted him. It was reassuring the Fire Police were helping. Matt would like to see all of the firefighters continue with Fairview Fire Department.
- Nathan Wolf commented there is no question about the volunteers doing their job.
- David Raugh stated Council has given the Company every opportunity; Council is responsible to provide the residents Fire Service that is financially sound and unfortunately, they are not.
- Daniel Soltis commented Council members are stewards of the money that is given us thru taxes. One of the positive notes by doing this is the Borough's firemen's relief monies will be released.
- Council declines to reconsider decertifying the Lewisberry Community Fire Company and also declines to continue to pay the Workmen's Comp insurance until the end of the year.

- Chief John Snyder of Newberry Township Police Department
 - There were twenty-three (23) incidents in the Borough in the month of September.
 - After overhearing the discussion concerning the use of the AED stated above; Chief Snyder assured Borough Council all Township officers are trained on the AED and this equipment is always on board.
 - Sandra Griffith thanked Chief Snyder for being at the Library's Chili Cook-off Saturday.
 - Daniel Soltis stated it was unfortunate Council Members and Fairview Fire Department was subjected to the childish behavior from some of the Lewisberry FC members. He was very impressed with the way Fairview Township Fire Department handled the situation and comments from the community were all positive.
 - Matt Kiner informed Chief Snyder there have been various complaints concerning speeding on Front Street again. Chief Snyder reported the Department has received a grant from PPL for equipment that will be better used in small areas such as the Front Street span; however, he will set something up for now to monitor the situation.
 - Mary Jo Keener, resident, inquired how many feet is "no parking" from intersections and could the Borough paint the curbs yellow in these areas; the Borough Manager will research this question.

SOLICITOR'S REPORT

- Steven Miner explained the Stormwater Management Ordinance has been completed with Gordon Brown's office through Byron Trout and is ready to be voted on for adoption. Edward **FARR** made a motion which was seconded by Mary **PELTON** to adopt the Stormwater Management Ordinance as mandated by York County. 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 will be discussed in Executive Session; the hearing has been changed to October 20, 2011.
- A Resolution was adopted at the special meeting September 29, 2011 which he was unable to attend, to decertify the Lewisberry Community Fire Company and engage Fairview Township Fire Department for all fire services in the Borough effective 0900, September 30, 2011 with the understanding Fairview will be leasing the Fire Station going forward. Therefore, it is necessary to ratify Steven's actions to terminate the lease with LCFC. Daniel **SOLTIS** made a motion which was seconded by Mark **KEENER** to ratify Steven Miners action to prepare the eviction notice for the Lewisberry Community Fire Company terminating their lease of the Fire Station effective October 29, 2011. Motion carried, 7-0.

INVOICES AND RECEIPTS

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

LEWISBERRY BOROUGH COUNCIL MEETING

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COMMISSION AND BOARD REPORTS

Zoning Officer Report -- Not Present

Mayor's Report -- Matt Kiner

- Matt Kiner reported the following:
 - 206 W. Front Street is bank owned and letters were sent of the violations. It appears the grass is being cut; however, the property overall is not in good shape. Consensus of Council is to table this issue until spring.
 - The Vicki Jenkins Property's complaint concerning the poison on the rear of the apartment was from the Fire Company and this has not been resolved. Consensus of Council is to table this issue until spring.

Planning Commission Report

- Matt Kiner, Chairman of the Planning Commission stated they had a meeting requested by Kathy Weems asking for a determination of the Codes Enforcement Officer denial of her permit to install a driveway. He explained to all this permit would have had to first come before the Planning Commission because the property is in the Historical District and second, go before the Zoning Board. The Planning Commission's decision is to make a recommendation to the Zoning Board to move forward with a hearing and to approve her request.
- Kathy Weems inquired as to what training Mr. Shultz has since she feels his denial was personal. Steven Miner explained we cannot ascertain this decision was personal or discriminatory. The Zoning Hearing Board can overturn the permit denial. In reference to the training, he has to be able to interpret Lewisberry Borough's codes. Kathy then asked Steven Miner if she would be out of line to ask for a statement of his qualifications. Steven suggested she discuss this with her solicitor.
- The next step for Ms. Weems will be to complete an application for a Zoning Hearing which includes a \$500.00 fee.

Road Commission

- Sign Reflectivity Assessment Reports were given to the Borough Manager.

Electric Commission

- David Raugh reported on the following:
 - Daniel **SOLTIS** made a motion which was seconded by Nora **SOWERS** to give EPPG Group Power Supply authorization to collect historical data from the Borough in order to do various requests. Motion carried, 7-0.
 - In reference to select a candidate from the Borough for the AMP Scholarship, Council requests the candidates complete the form designed by the Borough Manager and they will make the selection.
 - Sandra **GRIFFITH** made a motion which was seconded by Nora **SOWERS** giving Mary Jo Keener, electric biller, permission to write off Account Number 362, Marianna Lawson for \$158.18 which has been in collections for over four (4) years. Motion carried, 7-0.

Library Commission

- Sandra Griffith stated the chili cook-off was successful even with the bad weather. They have not calculated the profit. She stated she called Fairview on Thursday evening and they were at the Cook-off with 5 apparatus most of the day. Daniel Soltis stated he was very pleased with their professionalism and conduct especially since they were harassed by the Lewisberry Community Fire Company members.

Insurance Commission

- Mary Ellen Banks reported both insurance claims (tree and traffic accident) have been submitted and are still outstanding.

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COMMISSION AND BOARD REPORTS, CONT'D

- Mary Pelton stated a friend would like to take care of the tree since the Fire Department did not do so as promised. Council stated, they must take not only the tree, but the brush also. Robert Smith also has someone interested.

Recreation and Grounds Commission

- The water test as requested was completed.
- One of two circuits going to the pavilion is not working. Kevin Sorenson will repair.

Lewisberry Community Building Commission

- The Borough Manager as directed previously signed the contract with Zeplin's Security beginning October 1, 2011 for the security system at the \$309.00 which is the same cost as in 2011. David Raugh informed Council James Hamberger, Manager of the Medical Center requested fire alarm and sprinkler maintenance check. The rate to do this will be \$80.00 plus approximately two (2) hours at \$80.00/hour. This test has never been performed and should be at least once a year. Paperwork needs completed with a contact for the Borough and Library. David will inquire if Zeplin's can reset the system from their station rather than coming to the Building.
- The Library window is leaking inside the storm window. Terry Yinger will be notified.
- Mark Keener will contact Dubbs Electric to repair light in rear parking lot.

OLD BUSINESS

- 107 W. Front Street water problem was discussed. Robert will contact Mr. Motto informing him he must fix the situation; however, is not permitted to pump this water into the street.
- The memorial lights are still out. David will try to contact Patrick who should have a supply of bulbs. If no contact, Terry Yinger will complete.

COMMUNICATIONS RECEIVED

- West Shore Recreation Commission September Agenda and August Minutes and final financial statements for 2010.

NEW BUSINESS

- West Shore Recreation Commission cost for 2012 is \$2.184 per person which is the same as 2011. Mary **PELTON** made a motion which was seconded by Sandra **GRIFFITH** to continue membership in the West Shore Recreation Commission for 2012. Motion carried, 7-0.
- Mark **KEENER** made a motion which was seconded by Edward **FARR** to renew the SPCA Contract for \$181.00 for 2012 which is the same rate as 2011. Motion carried, 7-0.
- Edward **FARR** made a motion which was seconded by Nora **SOWERS** to renew the contract with Kohler for picking up stray dogs and cats. Motion carried, 7-0.
- The 2012 Rate Notice for PSAB's Unemployment Compensation will be @ \$.0285, the same as 2011.
- Trick or Treat in the Borough will be on October 27, 2011, 6:00-8:00.
- Mark Keener informed Council Allen's Eatery left him a message explaining someone had broken into the shop and had torn the meter off of the building. The electricity was still working; however, was not being metered. Mark inspected the property and informed the owner they had to have the meter replaced immediately which was done.

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RECESS TO EXECUTIVE SESSION TO DISCUSS PERSONNEL AND LEGAL
RE-CONVENE TO REGULAR SESSION

- Daniel **SOLTIS** made a motion which was seconded by Edward **FARR** to do the following:
 - Sandra Griffith, Matt Kiner and Mary Ellen Banks will interview the candidates for the Borough Manager's position.
 - Danna Lutes will be retained at approximately 20 hours a month as clerical assistant.
 - The rate for the Borough Manager will remain the same at \$775.00/month.
 - Mary Ellen Banks will consult @ \$40.00/hour specifically to train the new Borough Manager as needed. She is willing to continue consulting for 2012 as needed.
 - Motion carried, 7-0.

ADJOURNMENT

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

October 3, 2011
NAME

Affiliation

Please Print

LEAH WEEMS	RESIDENT
BOB SMITH	RESIDENT
Aaron Young	Patriot - News
Danny Cooper	Newberry Twp Resident
Dennis Beck	LCFC 29
Matha Clark	Atty for LCFC
Kyle Shropshire	LCFC 29
Angela Hughes	LCFC 29
Amanda Fuhrman	LCFC 29
Tina's Fuhrman	LCFC 29
Eric Kautzman	LCFC 29
Shelli Petersen	LCFC 29
Henry Hartman	LCFC 29
April Davis	LCFC 29
Grace Davis	LCFC 29
Dan Brown	LCFC 29
Victoria Hall	LCFC 29
Dana Cook	LCFC 29
Shannon Smith	LCFC 29
Geoff Good	Resident
Mary Jo Leaver	Resident