

LEWISBERRY BOROUGH COUNCIL MEETING

MONDAY, NOVEMBER 7, 2011

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

Also Present: Mary Ellen Banks, Borough Manager(outgoing); Mackensie Greene, Borough Manger (incoming);Steven Miner, Solicitor

PUBLIC PRESENT

SEE ATTACHED SIGN IN SHEET

BOROUGH MANAGER HIRING APPROVAL

- Mackensie Greene introduced for the candidate of Borough Manager. Mark **KEENER** made a motion which was seconded by Nora **SOWERS** to approve hiring Mackensie Greene. Motion carried, 5-0.

RECOGNITION OF PUBLIC

- Nathan Wolfe attorney for Lewisberry Fire Company approaches the subject matter set forth in two previous letters sent to the Borough Council for review. The company is asking to rent space from the borough to keep a truck in the Firehouse. In the event that Borough does not wish to enter into any negotiations to extend the lease with the Fire Company, the Company may have to auction off their assets and dissolve. Either way the Fire Company would like additional time to make arrangements for their financial obligations. Mark Keener suggests that if they want to continue to be a part of a Fire Company, they can join another township. The Borough has made the decision, a resolution has been made and the fire company has already had the 30 days required by law to vacate the premises and take care of their financials. Steve Miner, solicitor, states that he is going to reserve his discussion for Executive Session. As recognized by the Borough President that the 30 day Notice to Quit has expired and will be seeking further action by council. Concern was expressed about reservations already in place for social affairs. Steve Miner states that this is also something that will be addressed in a letter but should be discussed in Executive Session. Question also raised as to whether they were allowed to run their equipment, solicitor has said it is their property, it not his position to advise them, Mr. Wolfe has indicated that they have workman's comp and other liability insurance, he is unaware of its truth but he is relying upon his representation.
- Paul Fisher would like to clarify his contract with the Borough for snowplowing services. The Borough recites that he is to plow anything above 3" of snowfall as stated in the contract and to use his judgment for any further plowing and salting.
- Call report for the Borough for the last 30 days, 3 calls, and one was a medical assist, one was an investigation into a controlled burn, and one was a furnace malfunction.
- David Raugh asks Bill Carlisle how long it will take to get a fire engine in the building. An engine could be put in tonight.

SOLICITOR'S REPORT

- Steven Miner reporting that there was a hearing on the Sinsabaugh property that he will discuss more fully in Executive Session. His understanding is that they did not proceed with the hearing however the district Justice told Mr. Sinsabaugh that he expected clean up or the Borough was

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going to come back to court. It is his understanding that some of that clean-up has occurred. Mr. Sinsabaugh states that the work has been done. David Raugh states that he needs to keep it cleaned up and not to let it go. Defers to the public for any comments or questions.

APPROVAL OF 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, 5-0.

APPROVAL OF MINUTES

- Edward **FARR** made a motion which was seconded by Mark **KEENER** to approve the minutes of the September 6th, September 29th and October 3, 2011 Meeting. Motion carried, 5-0.

COMMISSION AND BOARD REPORTS

Zoning Officer Report – No Report

Mayor's Report – Matt Kiner

- Matt Kiner stated an issue with the owners of 210 West Front Street wanting to open a home day care at their residence. Code stipulates that that it has to be approved by the zoning hearing board for special use. As far as the state is concerned they are set, but they will have to apply for a hearing. Mark Kenner has a concern about parking. Zoning is different for a Daycare Center and Daycare Home. Since it will be a Daycare run from a residence, as per code they do not need to have any special permits for parking. Steve Miner states that there is insufficient time advertise to get it on the meeting that's being held for Miss Weems, so it will have to be held over until the December meeting. So they will not be able to operate until the first of the year.

Road Commission - No Report

Electric Commission

- Resignation from Mary Jo Keener, Electric Biller, David Raugh would like to know from Council how they would like to proceed? Mary Jo Keener's final day is January 31, 2012. Council discussed if the position should be taken on by one person or have someone as the biller and someone as the Meter Reader. Mary Ellen Banks says she knows of someone willing to do the billing aspect of the position and David Raugh has expressed that he knows of someone who may be interested in reading the Meters. Mary Jo Kenner will put flyers in the electric bills posting the positions available in the Borough. Mark would like to continue the discussion in Executive Session.

Fairview Police Department

- Sergeant Rocco of the Fairview Police Department gave report that they received 25 calls from the borough residents. Correspondence for Supervisor Connelly was given to Sergeant Rocco for delivery. Sergeant Rocco asked what the officers on patrol should do about people they see coming or going from the Fire Company. Steven Miner stated that the Borough will correspond with the department after more talk of the issue has been conducted and will let them know how to handle any comings or goings at the Fire hall. David Raugh asked the status of the investigation by the Auditor General. Sergeant Rocco informed council that there was a minor

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setback as Detective Ferrin who was working on the case had been in a motorcycle accident. They now have another detective working on the case and there should be results within the year.

Library Commission – No Report

Insurance Commission

- Mary Ellen Banks said that she has calls in to both the adjustor and the claim representative for status on the two outstanding claims, but has not heard anything.

Recreation and Grounds Commission

- David Raugh reads the service agreement from TRUGREEN and informs the Council that the funds to pay for this are already in the budget. Mary **PELTON** made a motion which was seconded by Mark **KEENER** to approve the contract. Motion carried, 6-0.
- Mary Ellen Banks informs Council that the borough will be using Sac Oil, after checking around they have the best pricing.

Lewisberry Community Building Commission

- Edward Farr -nothing to report
- Zeplin Authorized Notification Form needs to be filled out with someone as the contact in case the alarm goes off. Edward Farr has volunteered to be that contact.
- There is still a pile of brush at the Fire House and there is also a pile that Don Dodson cut up. Leave it lay until spring.
- There is an issue with the garbage being taken out. Trash pick-up is Monday and there is some concern as to the trash sitting out for too long. The janitor comes Saturday and sometimes Friday to clean, so if she were to put out the trash it sits curbside for too long. Edward Farr has volunteered to come in and take the trash out should the janitor not be able to do so.

OLD BUSINESS

- 107/108 Front Street water problem. Email communication went around but no decision has been made as to what to do about it. Mark wants to know why it is a Borough issue. It may be a Health and Safety violation. If it were to be capped off, it could become a borough issue because it will drain into the road. Borough Council has decided that it is the up to the owners of the properties in question to sort out the issue themselves.
- Ed Farr is upset that the council voted to revoke their pay and that the matter was voted on without all of council being present. It was also noted that if the council members go without pay then they will not be covered by workman's compensation. Edward **FARR** makes motion, which was seconded Nora **SOWERS** to reinstate the council pay. Mark **KEENER** opposes. Motion carried, 5-1.
- Penn Waste has increased the waste p/u to \$2,559.00 annually, which is a \$213.25 monthly increase. 159 residents currently pay \$14 per month for trash p/u and the Borough subsidizes \$0.45 per resident. To continue subsidizing at a rate of \$0.45 the cost to the residents would be an additional \$1.25 per month. Should council choose to do away with the subsidy the monthly charge would increase an additional \$1.69 per month, making the total amount due per resident \$15.69 per month. Mark **KEENER** makes a motion, which was seconded by Sandra **GRIFFITH** to no longer subsidize any amount of the trash and to make the trash charge an even \$16.00 per resident and to have it effective as of January 1, 2012. Motion carried, 6-0

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- A letter from the Auditor General stated that the State Aid previously withheld will be released to Lewisberry Borough because the LCFC has been decertified and the Borough has designated the Fairview Township Fire Company as its provider. An adopted amended letter of withdrawal was included releasing the 2010-2011 State Aid. As per agreement when the Borough receives the State Aid we will be giving it to Fairview Township.

COMMUNICATIONS RECEIVED

- York County Boroughs Association Annual Banquet
- PIRMA Call for Leadership
- Rabbitttransit 2010-2011 Annual Report

NEW BUSINESS

- Resignation from Douglas Morrow as representative for the Lewisberry Area Joint Sewer Authority. Robert Smith asked and agreed to be the representative. Mark **KEENER** makes a motion to for Robert Smith to act as the Lewisberry Area Joint Sewer Authority representative, which was seconded by Sandra **GRIFFITH**. Motion Carried, 6-0.
- Zoning Board hearing November 15th @7:00 regarding the application submitted by Kathy Weems.
- Special Budget Meeting November 9th @7:00.
- Steven Miner informs council that each municipality will need an ordinance to enter Intergovernmental Cooperative Agreement. Mark said that a select few from Fairview have seen the Intergovernmental Cooperative Agreement and have made the changes that they would like to see. Steve Miner will make the changes as asked by Fairview and email it to Mary Ellen.

Dave **RAUGH** makes a motion to go into Executive Session, which was seconded by Edward **FARR**, motion carried, 6-0.

ADJOURNMENT TO EXECUTIVE SESSION FOR LEGAL

Mark **KEENER** makes a motion to Re-adjourn to Regular Meeting, which was seconded by Edward **FARR**, motion carried, 6-0.

RE-ADJOURN TO REGULAR MEETING

Mary Ellen would like to know whether or not to replace the equipment used when the tree came down. Right now we are waiting to see if the insurance will pay. Mark would like to hold off until next year.

ADJOURNMENT

Edward **FARR** made a motion which was seconded by Mark **KEENER** to adjourn the Meeting. Motion carried, 6-0.