

LEWISBERRY BOROUGH COUNCIL MEETING

MONDAY, DECEMBER 5, 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, Daniel Soltis and Mary Pelton.

Also Present: Mackensie Greene, Borough Manger; Steven Miner, Solicitor

PUBLIC PRESENT *SEE ATTACHED SIGN IN SHEET*

RECOGNITION OF PUBLIC

- David Raugh states that Edward Farr is unable to make it to the meeting this evening and he asked that David pass on that he wanted to express his thanks to the council.
- David Raugh states Don Dodson has resigned from the Lewisberry Area Joint Sewer Authority. This will be discussed during New Business.
- Chief Snyder of the Newberry Police Department:
 - There were 28 incidents within the Borough for the period of November 2011.
 - Chief Snyder delivered the 2012 contract for police protection from Newberry Police Department which will be added to the January 2012 agenda for approval.
- William Carlisle, Fairview Township Fire Department Chief gave the fire call report for the Borough for the month of November which included three (3) calls, all of which were medical assists.
 - William Carlisle also informed Council with Fireman's Relief money from Lewisberry Borough and their \$30,000 Relief monies, the Company will be purchasing another engine specifically to be housed at the Lewisberry Fire Station. There will then be two engines in the Fire Station.

SOLICITOR'S REPORT

- Steven Miner states that the Intergovernmental Cooperative Ordinance has been advertised so that the Borough can enter into the Intergovernmental Cooperative Agreement with Fairview. Roll call vote to enact Ordinance 2011-06. Mary Pelton, yes; Sandra Griffith, yes; Daniel Soltis, yes; Mark Keener, yes; Nora Sowers, yes; David Raugh, yes.
- Steven Miner states that Rob Brady, liaison at the DCED sent him additional suggestions with minor changes on the Intergovernmental Cooperation Agreement; however, Fairview would also have to review and agree to these changes. They include on paragraph 2 a clerical change about the terms of the agreement; paragraph 4 setting up a committee between the two municipalities to regulate the Fire Company activities; paragraph 9, some information to be reported each meeting including monthly fire reports and financials. Discussion ensues and consensus of Council is to move forward with the agreement as written.

APPROVAL OF MINUTES

- Mark **KEENER** made a motion which was seconded by Mary **PELTON** to approve the minutes of the November 7, 2011 Meeting. Motion carried, 6-0.
- Mark **KEENER** made a motion which was seconded by Mary **PELTON** to approve the minutes of the November 9, 2011 Special Budget Meeting. Motion carried, 6-0.

APPROVAL OF INVOICES AND RECEIPTS

- Sandra **GRIFFITH** made a motion which was seconded by Nora **SOWERS** to approve the General Fund, Electric Fund, Road Fund and Building Maintenance account invoices for payment. Motion carried, 6-0.

FIRE COMPANY

- David Raugh states that the remaining balance of the \$5,000.00 donation to the fire company is \$2,635.91. Mackensie Greene states that the current electric bill for the Fire Station is \$143.67 for October 8th thru November 6th. Council wishes to have the \$886.25 current Sac Oil invoice for the Fire Station be deducted from the balance of the Fire Company annual donation.
- Robert Smith states that the fuel tanks at the Fire Station are currently reading empty and his opinion is the four tanks should be separated, two for the engine room and two for the social hall. Mark **KEENER** made a motion which was seconded by Daniel **SOLTIS** to separate the fuel oil tanks at the Fire Station. Motion carried, 6-0.
- Mackensie Greene states Mary Ellen Banks has drafted a Newsletter for the residents of Lewisberry and would like to know if Council would like to proceed with the Newsletter, what changes should be made and how to deliver to the

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community. Sandra **GRIFFITH** made a motion which was seconded by Mary **PELTON** to table this discussion and/or decisions until January's Council Meeting. Motion carried, 6-0.

- David Raugh states he spoke Chief Snyder and before they can produce a police report the Borough must provide an inventory of the equipment that was taken and estimates of the damages at the Fire Station. Discussion ensued concerning from whom to get estimates and who will be responsible for doing so.
- Chief Snyder of the Newberry Police Department talks to council to possibly clarify what should be counted in the inventory.
 - Mark Keener stated the siren module was taken from the Fire Station. Discussion ensue as to the ownership of the module which was determined that the borough paid for repair of the module at one time. Chief Snyder will investigate to see if he can have the module returned.
- Robert Smith states that he will correspond with Kevin Sorenson and Thomas and Doherty, LLC to get quotes on Electrical and Plumbing and he will contact a Restoration Company for a quote.
- Daniel Soltis inquires of Steven Miner what the responsibilities are of the Lewisberry Community Fire Company when they have debts and donate their assets. Steven Miner states that the assets should have been liquidated to pay the debt otherwise the conveyance is considered fraudulent if you're giving the assets to anyone one other than your creditors. That's something the Company's counsel should advise them on.

COMMISSION AND REPORTS

Zoning Officer Report:

- Jerrith Schultz states that he has one permit in process.

Mayor's Report:

- Matt Kiner states Ms. Rhone who plans to start the daycare in her 210 West Front Street home has been approved by the state; however, Lewisberry's Ordinances stipulate it must be approved by the zoning hearing board for special use. Mackensie Greene, Borough Manager will send a letter stating the need to apply for a zoning hearing and Matt will speak with Eric Carr, Chairman of the Zoning Board to advise him of the situation.

Road Commission: No Report

Electric Commission:

- David Raugh states William Thompson informed him Jim Havrilla recommends to the council not to take any action on the Napoleon Biogas Project.
- David Raugh informed council that we will be getting reimbursement from Charles Wheatley, Esq. for the invoices paid in 2011 regarding the PPL transmission charges. Mackensie Greene states that she will keep in contact with Wheatley on the status of the refund.
- Mark **KEENER** made a motion which was seconded by Nora **SOWERS** to hire Stacie and Mark Chornak for the Electric Biller/Meter Readers positions. Motion carried, 6-0.
- Mackensie Greene states that Stacie and Mark Chornak are concerned with receiving calls at their residence and they are asking council to agree to another form of call retrieval. Discussion ensued as to the options available to the Borough. Daniel **SOLTIS** made a motion which was seconded by Mark **KEENER** to approve the purchase from Frontier for a separate voicemail box for the Lewisberry Electric Company. Motion carried, 6-0

Library Commission:

- Sandy Griffith submitted a copy of the proposed 2011 budget and treasurer's report for the library.

Insurance Commission:

- Sandy Griffith inquired as to why the Borough's insurance company must pay for the damages at the Fifth and Market Street auto accident. Mackensie Greene will research this claim.

Recreation and Grounds Commission:

- David Raugh reads correspondence from Capital Self Storage regarding their rental of the Borough Park Building. Discussion ensued. Council feels that the lack of cleanliness of the building was due to events that had been held in previous days whereby the janitor was unable to get in to clean. Discussions continue on the liability to the Borough should they continue to rent the building in its current condition. Water testing has shown that the water needs to have a filtration system in place. Mark Keener states that the income verse expenses do not support keeping the Borough Park Building open. Mackensie Greene states that she will research for Council's review. Sandra

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GRIFFITH made a motion which was seconded by Daniel **SOLTIS** to test the water at the Borough Park Building. Motion Carried, 6-0.

Lewisberry Community Building Commission:

- Sandra **GRIFFITH** made a motion which was seconded by Mary **PELTON** to approve the contract 2012 service agreement for the Community Building from TRUGREEN. Motion carried, 6-0.

OLD BUSINESS

- David Raugh** states that although council had agreed to increase the trash/disposal fee to \$16.00 a month, the Borough has since received notification that the dumping fees will increase by \$3.00. Daniel **SOLTIS** made a motion which was seconded by Nora **SOWERS** to pass Resolution #2011-04 to increase the trash/disposal charge to the residents to \$16.30. Motion carried, 6-0.

COMMUNICATIONS RECEIVED

- West Shore Recreation Commission; Pennsylvania One Call Systems, Inc.; Pennsylvania State Association of Borough's Update; York County PEL Issues Form; CGA Law Firm Municipal News; Annual Report of Municipal Authorities

NEW BUSINESS

- Mary **PELTON** made a motion which was seconded by Nora **SOWERS** for Mackensie Greene to publish the 2012 Notice of Meetings. Motion Carried, 6-0.
- David Raugh states that Mr. Coder has not paid the Borough the monies owed of \$3.25 for the Right to Know request he filed this year. Mark **KEENER** made a motion which was seconded by Mary **PELTON** to send this transaction to the collection agency for monies owed. Motion carried, 6-0.
- Sandra **GRIFFITH** made a motion which was seconded by Mary **PELTON** to appoint Mackensie Greene as the delegate for the Cumberland County Tax Collection Committee. Motion carried, 6-0.
- Daniel **SOLTIS** made a motion which was seconded by Nora **SOWERS** to appoint Joseph Thomas to the Lewisberry Area Joint Sewer Authority. Motion carried, 6-0.

2012 BUDGET

- Sandra **GRIFFITH** made a motion which was seconded by Nora **SOWERS** to pass by Resolution # 2011-05 an increase in the Frontier Telephone Pole Rentals by Twenty Percent (20%). Motion Carried, 6-0. Sandra **GRIFFITH** made a motion which was seconded by Mary **PELTON** to pass by Resolution # 2011-06 an increase in the Blue Ridge Cable Pole Rentals by Twenty Percent (20%). Motion carried, 6-0.
- Roll call vote to enact Tax Ordinance #2011-05 not increasing the tax rate for 2012. Mary Pelton, yes; Sandra Griffith, yes; Daniel Soltis, yes; Mark Keener, yes; Nora Sowers, yes; David Raugh, yes.
- David Raugh stated after having reviewed the paperwork provided by Sandra Griffith he feels the Borough is unable to financially support the library. Discussion ensued about what responsibility the Borough has to keep the Library operable. Sandra Griffith stated there should be a lease agreement made between the Borough and the Library. Council agrees this discussion and/or decisions should be tabled to a later date.
- Daniel **SOLTIS** made a motion which was seconded by Mark **KEENER** to pass the proposed budget for 2012. Motion carried, 3-3 with Mary Pelton, Sandra Griffith and Nora Sowers voting no. Matt Kiner, Mayor voting in favor of the budget in order to break the tie. Motion carried, 4-3.

RECESS TO EXECUTIVE SESSION FOR LEGAL

- Mark **KEENER** made a motion which was seconded by Daniel **SOLTIS** to recess to Executive Session. Motion carried, 6-0.

RE-ADJOURN TO REGULAR MEETING

ADJOURNMENT

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

December 5, 2011

Please
Print

Print Name

Affiliation

Bob Smith

Bob Griffith

Van Sallis

Aaron Young

Larry Smith

John Snyder

Bill Carlisle

DON KESK

Gertrude Fahrenstich

Resident

Resident

Patriot News

Zoning Office

Newberry Twp PD

Fairview Twp FD

313 W. Front St.