

# LEWISBERRY BOROUGH COUNCIL MEETING

MONDAY, MARCH 5, 2012

The meeting was called to order by Robert Griffith, President leading in the Pledge of Allegiance to the Flag.

## MEMBERS PRESENT

Robert Griffith, President; Robert Smith, Vice President; Nora Sowers, Daniel Soltis, and Mary Pelton.

Also Present: Mackensie Greene, Borough Manger

## PUBLIC PRESENT \*SEE ATTACHED SIGN IN SHEET\*

## RECOGNITION OF PUBLIC

- Resident Steve Haines, Jr. of 202 West Front Street stated the sidewalk in front of his home is in disrepair and would like to make the repairs himself; therefore, he asked if a permit would be required. President Griffith stated he can make the repairs and he will need a permit. Discussion ensued. Mr. Haines will speak with Jerrith Shultz, zoning officer, regarding the fee for the permit.
- Resident Scott Six states he has concerns with his neighbors at 210 West Front Street including dogs not leashed, a deck being built and an above ground pool that was installed. Currently there is no privacy fence and by state law, if a resident has an in-home day care, the yard must be fenced. Mayor Kiner states he has spoken with the owners of the property regarding the day care and the dogs, they have applied for a building permit for a privacy fence and deck. The Borough is aware that the pool does not have the 10' setback. A permit was issued for the pool previously. Current Borough code does not clearly state what is considered a permanent structure versus temporary. Discussion ensued.
- Bob Timko, President, Fairview Township Fire Department reported the following:
  - The fire report for the Borough for the month of February 2012 included two (2) calls and five (5) additional calls in the Lewisberry postal area.
  - Timko states his concerns with calls in Newberry Township. Fairview has been taken off of Newberry's call boxes even though the Lewisberry station could be the closest to the calls immediately outside the borough.
  - Fairview is continuing to clean the Station.
  - A brush truck is now housed in the station.
  - There are two former Lewisberry Firefighters that have been approved and are now members of the Fairview Fire Department and they are running calls.
  - Fairview would like to host an open house at the fire station and are requesting council's assistance
  - Timko requests, for fundraising purposes, permission to sell chicken BBQ off the fire engine.
  - Robert Griffith inquired where the two (2) calls were in Borough. Timko will research this..
  - Discussion ensued regarding an emergency call that went unanswered for 10 minutes before Fairview was dispatched. President Griffith will check the status of the call boxes with Newberry Township.
- Mr. Scott Derr introduced himself as a candidate for the 92<sup>nd</sup> legislative district.
- Tim Moyer from RLGSA stated the association now has a field groomer and would like to request permission from council to place an additional small storage facility at the softball field.
  - Dimatech for the fields has been delivered and will be spread shortly.
  - RLGSA would also like to request the use of the Borough Park Building for a coaches meeting on March 20<sup>th</sup>.
  - Robert Smith, vice president, stated if a shed were to be placed at the park, council would prefer it to be a modular shed that could be moved if necessary. He also inquired of the status of the association's desire to add a concession stand. Mr. Moyer stated at this time those plans have been tabled until August. Mr. Smith also states the Borough would like for the Association to acquire insurance on the shed, Discussion ensued. Mr. Moyer will present more information on this at next month's council meeting.
  - Mary Pelton states June 17<sup>th</sup> at the park building is booked and wanted to ensure the association was not in need of the fields. Mr. Moyer stated they would not.
- Chief Snyder of the Newberry Police Department reported the following:
  - There were 23 incidents in the Borough for the month of February.
  - Chief Snyder requests the Borough display a Crime Stoppers sign which Council approved.

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- Robert Smith informed Chief Snyder there will be a response to correspondence from Mr. Nathan Wolfe, attorney for the Lewisberry Community Fire Company and Council will cc Chief Snyder.
- Resident, Michael Rhone presented Jennifer Rhone's business license application for 2012. Robert Smith inquired when the construction of the privacy fence would begin to which Michael Rhone stated the construction will begin in April. Discussion ensued.
  - Robert Smith informed Mr. Rhone there is an ordinance pertaining to firearms and he will address the firearm issue with Mr. Six.

### SOLICITOR'S REPORT – None

### APPROVAL OF MINUTES

- Robert **SMITH** made a motion which was seconded by Mary **PELTON** to approve the minutes of the February 6, 2012 Meeting. Motion carried, 5-0.

### APPROVAL OF INVOICES AND RECEIPTS

- Daniel **SOLTIS** 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, 5-0.

### COMMISSION AND REPORTS

Zoning Officer Report: Mayor Kiner stated Jennifer Rhone has paid Jerrith Shultz, zoning officer, two (2) installment payments for \$250.00 each, towards the \$500.00 zoning hearing. Mrs. Rhone has also given Jerrith \$20.00 for her 2012 business license.

Mayor's Report: Mayor Kiner stated Jerrith Shultz and he reviewed the zoning ordinance for what is or could be considered a permanent structure. The ordinance does not give a clear description of what is considered to be permanent. Discussion ensued. Mayor Kiner suggests the zoning ordinances be examined.

#### Road Commission:

- Robert Griffith stated there are 3 stop signs that need replaced. Manager Greene will order six (6) stop signs.

#### Electric Commission:

- Robert Griffith, president stated William Thompson and he will be attending a meeting in Kutztown and will provide the details of that meeting at next month's council meeting.
- Manager Greene requests permission from council to place a notice in the electric bills with the current Lewisberry Electric contact information. Discussion ensued. Council approved.
- Robert Griffith inquired how new residents to the Borough know how to set up their utilities. Discussion ensued. Robert Smith suggests adding this information to the Borough website.
- Robert Smith stated he spoke with Penn Waste, inquiring the amount of stops made in the Borough. Penn Waste stated they are making 152 stops within the Borough although, they invoice 160 stops. Robert Griffith stated the contract with Penn Waste is for 160 stops regardless of how many residents they actually pick up for.

#### Library Commission:

- Mary Pelton stated on Saturday there will be a book/bake/soup sale held at the Borough Park from 8-2 and a sub sale on March 14<sup>th</sup>.
- Robert **SMITH** made a motion which was seconded by Daniel **SOLTIS** to approve the 2012 Agreement between Lewisberry Borough and Annie E. Sterline Library. Motion carried, 5-0.

#### Insurance Commission:

- Manager Greene stated there is a meeting scheduled on March 22<sup>nd</sup> with H.A. Thomson to review insurance coverage for the Borough.
- Manager Greene stated the Borough has received \$590.00 from the insurance company for the loss of the sign at 308 Market Street. Robert **SMITH** made a motion which was seconded by Mary **PELTON** to contract Sheaffer Signs to replace the sign at 308 Market Street in the amount of \$1590.00. Motion carried, 5-0.

#### Building and Grounds Commission:

Robert Smith stated the following:

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- The dishwasher at the Fire Station is repaired. The only remaining item for repairs in the kitchen is the fire extinguisher system above the range needs to be recharged and once done the kitchen will be fully operational. In addition, the restroom partitions are realigned.
- Daniel Soltis and he went to Fairview Township's supervisors meeting to discuss the Intergovernmental Agreement between Lewisberry Borough and Fairview Township Fire Department. A Committee meeting is scheduled with Fairview for March 6<sup>th</sup> at the Lewisberry Fire Station to discuss the Intergovernmental Agreement. Discussion ensued. Robert Smith will supply a copy of the agreement to the Borough Solicitor, P. Daniel Altland for review.
- The balance of the \$5,000.00 donation for the Fairview Township Fire Department is \$4,163.53.
- He spoke with someone at the DEP (Department of Environmental Protection) regarding the Borough Park Building water. The DEP recommends using a chlorine system, but that system is currently being challenged. He stated an estimate from Thomas & Doherty for installing this system is \$3500.00 and \$500.00 for the testing kit which has to be performed daily. He also spoke to Aqua Treatment Systems who currently has a filtration system they are trying to get approved and the cost of that system is \$6,000.00. Discussion ensued. Solicitor Altland will check into the regulations for the water at the Borough Park Building and will inform Mary Pelton if the Borough can rent the Building.
- A Rental Agreement for the Fire Station needs to be written and council should decide what the rental fees will be. Rental fees were decided at \$125.00 for residents and \$150.00 for non-residents, with a \$100.00 deposit. Robert Smith inquired if the rental fees should be listed on the Borough Website. After a discussion, it was decided Mayor Kiner will make the necessary changes to the Borough website.
- He would like to change the commissions to committees, since we currently have only council members on the commissions. Discussion ensued. Solicitor Altland will look into the formalities of doing so. The decision has been tabled.
- Janice Russell is no longer the Borough janitor. Terence Yinger will be cleaning the Borough buildings at a rate of \$15.00 per hour. Mary **PELTON** made a motion which was seconded by Nora **SOWERS** to approve the hiring of Terence Yinger as the Borough Janitor. Motion carried, 5-0.

### OLD BUSINESS

- Robert Griffith, President appointed William Thompson, Mackensie Greene and himself to the Insurance Committee.

### COMMUNICATIONS RECEIVED

- Penn DOT Spring Road Maintenance Training; Penn DOT Bureau of Planning and Research; Penn DOT Surplus Sampler; Newberry Townships' Comprehensive Plan; Leadership York; York County Board of Commissioners; Way E-News

### NEW BUSINESS

- Robert Griffith stated All Care Landscaping submitted a bid for mowing the Borough grounds in the amount of \$180.00. Mary **PELTON** made a motion which was seconded by Robert **SMITH** to approve the bid from All Care Landscaping. Motion carried, 5-0.
- Mary Pelton inquired if there is an ordinance pertaining to the grass clippings being on the sidewalks and streets. Daniel Soltis stated there is an ordinance. Discussion ensued.
- Robert Smith stated Mr. Groff has another vehicle in his yard. He also stated there is a vehicle in a ditch on South Street that needs to be removed. Mayor Kiner will address these ordinance violations.
- Brian Kline, Boy Scout Troop leader, would like to use the Fire Station for meetings during the fall on Monday nights. Discussion ensued. Council is unanimous on the decision not to allow the scouts to use the Fire Station.
- Robert Smith stated he received a call from Phil Lanthom of ISO, a company that grades fire companies. Fairview's grade went from a 9 to an 8, which means it will be a premium savings for all residents living within the Borough of Lewisberry.
- Portable toilets were placed at the Borough Park Building by Tiger Trash and will be serviced every Friday.
- Robert Smith stated the fuel oil is low at the Fire Station and Manager Greene will order fuel oil after the Fire Protection Committee has met with Fairview Township on March 6<sup>th</sup>.

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- Robert Griffith inquired from council members their opinion on pay for council members. Manager Greene stated that in order to be covered by workman's compensation, council members must be paid. Discussion ensued. Robert Griffith will discuss this with the H.A. Thomson at the insurance meeting scheduled for March 22<sup>nd</sup>. Decision tabled.
- Robert Smith stated Terence Yinger and he trimmed trees on Borough grounds.
- Daniel Soltis inquired what the Borough is currently charging Liz Christiansen for use of the softball fields for her softball camp. Manager Greene stated the fee is \$80.00.
- Robert Smith stated Nathan Wolfe, attorney for the Lewisberry Community Fire Company, sent correspondence stating the Lewisberry Community Fire Company would like to offer the Borough \$1,300.00 to settle the vandalism claim at the Fire Station. Robert Smith stated Robert Griffith and he composed a response to the correspondence which was read by Manager Greene. Discussion ensued. Solicitor Altland reviewed the correspondence and made a recommendation as to its content and will make the necessary changes to this letter. Robert **SMITH** made a motion which was seconded by Daniel **SOLTIS** to send the correspondence to Attorney Wolfe. Motion carried, 5-0.
- Robert Griffith, President stated the York County SPCA is requesting the Borough adopt an ordinance not allowing residents to tether or house their animals outside. Discussion ensued. Mayor Kiner will look more closely at the ordinance; however, at this time council consensus is they will not adopt the ordinance.

### RECESS TO EXECUTIVE SESSION FOR LEGAL

### RETURN TO REGULAR MEETING

### ADJOURNMENT

- Mary **PELTON** made a motion which was seconded by Nora **SOWERS** to adjourn the meeting. Motion carried, 5-0.