

**MINUTES OF THE NEW SALEM BOROUGH
COUNCIL MEETING
September 14, 2021**

The New Salem Borough Council met in regular session on Tuesday, September 14, 2021. The meeting was called to order at 7:00 PM. President Mundorf led those in attendance with the Pledge of Allegiance to the Flag.

BOROUGH COUNCIL PRESENT:

Edward R. Mundorf
William Baldauf
Peter E. Partridge
Kim E. Martin
Harvey E. Thumma Jr (left at 7:40p)
Cecilia Harvey

ALSO PRESENT:

Clarence R. Lloyd, Mayor
D. Michael Craley, Solicitor
Samantha Craley, Assistant to the Solicitor
Jeff Koons, Zoning & Codes Officer
James Pierce, Fire Chief
Stephanie Mundorf, Tax Collector

BOROUGH COUNCIL ABSENT:

Susan P. Barley

ALSO ABSENT:

Jason Brenneman, Borough Engineer
Connie Wentz, Secretary

Note: The abbreviation “CM” stands for “Councilmember”.

Announcement

Solicitor Craley announced that immediately prior to this public meeting, at 5:30pm, the Borough Council and the Mayor met in Executive Session to discuss the continuing employment of a public employee. No action was taken.

Public Comment

Stephanie Mundorf, the Borough’s Tax Collector, stated that she had sent out a recent audit of her activities to the Borough Secretary and several councilmembers. The audit found no discrepancies. She also requested reimbursement of the \$90 registration fee to attend the Pennsylvania State Tax Collectors’ Association Annual Convention to be held on October 15-16 at the Harrisburg/Hershey Holiday Inn.

CM Partridge moved to reimburse, CM Baldauf seconded, motion carried.

Fire Chief Pierce reported that the 5 sets of turn-out gear the Borough had donated money for were on back order and probably would not be received until late this year or early January. He expressed concern about the lack of coordination with York County Control in dealing with the flooding caused by Hurricane IDA and the closing of roads. Mayor Lloyd responded that, as the Borough Emergency Action Coordinator, he was in constant contact with county control. Chief Pierce was concerned about being able to respond to emergency calls when some of the roads are closed. Mayor Lloyd said he would talk to those involved to see if they can improve coordination with the fire company for such events. Chief Pierce also expressed concern about speeding on Forry Street and described what the fire company has done so far to reduce the hazard. President Mundorf said he would put a notice on the Borough website concerning this issue.

Several residents of Forry Street were on hand to protest the placement of gates across Forry Street as they had heard that this was in the works. After a spirited exchange and reassurances from Borough Council that it had not made any definite decisions on what to do with Forry Street, the discussion turned to the Borough, fire company, and residents working together to solve the problem. Chief Pierce offered to host a meeting at the fire house on Wednesday, 9/22 at 7:30pm for the residents and the fire company to come up with mutually acceptable options to present to the Borough Council.

CM Partridge moved to table all further discussion of the Forry Street matter until the residents and the fire company have met and come back with their recommendations. CM Baldauf seconded, motion carried.

Approval of Minutes from Last Council Meeting

Prior to the meeting CM Partridge had submitted a corrected copy of the minutes of the August 3rd Council Meeting first submitted by Secretary Wentz. Solicitor Craley had the following additional corrections:

- 1) Under Zoning and Code Enforcement – change “John Koons” to “Jeff Koons”
- 2) Under Solicitor’s Report – 2nd sentence – Change to read “Certified letters will be sent to all adjoining property owners and courtesy letters to all other surrounding residents for those that may have an issue.”
- 3) Under Solicitor’s Report – change 3rd sentence to read: “CM Partridge made a motion to authorize Solicitor Craley to advertise the ordinance to vacate Forry Street.”
- 4) Under Solicitor’s Report – last sentence – change “mediation” to “litigation with a possible subdivision.”

CM Partridge moved to accept the minutes as corrected, CM Baldauf seconded, motion carried.

Engineer's Report

The broken manhole frame and cover in the field adjoining South Main Street were replaced and an invoice submitted. Replacement of the drainage pipe across North Main Street was estimated by PennDot at \$5,400. A discussion of the PennDot Contribution Agreement followed.

At Solicitor Cralley's suggestion, CM Partridge moved to approve and sign the agreement subject to the approval of the Borough Engineer, CM Martin seconded, motion carried.

Zoning and Code Enforcement

Zoning & Code Enforcement Officer (Z&CEO) Koons reported on several violations that had come to his attention and the actions he has taken. He obtained a fully executed copy of the Dollar General Development Plan from the county which he will file in the Borough Building when he is finished with it. He has put Dollar General on notice about limiting the size of their delivery trucks to no larger than specified by the plan. He talked to the occupant of 109 W. George St., who is in a wheelchair, and he will work with her to find a solution to her driveway that will help with her mobility problem. There are additional problems with vehicles at that property. 301 N. Main is still a problem. CM Partridge offered to draft a formal reply to Mr. Diaz's RTK request if Secretary Wentz has not already done so or was not able to do so. Mr. Diaz needs to request another 60 day extension to his Zoning Hearing Board application. Regarding 30 South Main Street, a discussion of enforcement options followed.

Z&CEO Koons requested that he receive a check for reimbursement expenses separate from his salary check so he does not get taxed on the reimbursement amount. He suggested that the zoning permit application be simplified and separate from the building permit application and then handed out copies of a simplified zoning permit application he would like to use. A lengthy discussion then ensued about the difference between zoning permits vs building permits.

CM Baldauf moved to approve the simplified zoning application, CM partridge seconded, motion carried.

President Mundorf said he would post the simplified application on the Borough website. Z&CEO Koons requested that he be given his own key to the Borough Building.

CM Partridge so moved, CM Baldauf seconded, motion carried.

Cancellation of the agreement with Spring Grove to supply a Building Codes Officer necessitated a discussion of where to find a replacement. Z&CEO Koons will contact a person he knows who is qualified and might be interested.

Mayor Lloyd reminded the Council that he will be retiring in January when his current term expires but is willing to help out in other capacities.

Solicitor's Report

Sewer billing – Solicitor Craley reported that Spring Grove's billing software is not able to bill and track arrearages on the quarterly sewer invoices. An alternative would be to have the Borough handle the arrearage accounts separately. Solicitor Craley will have further discussions on this matter with Spring Grove and report back at the next meeting.

A resolution appointing Keith Martin to another term on the Zoning Hearing Board was presented for Council approval.

CM Partridge moved to approve the resolution, CM Baldauf seconded, motion carried.

Solicitor Craley reminded Council that according to section 1112 of the PA Borough Code any member of the council who is not a council officer can be appointed as Assistant Secretary by resolution of the council.

Unfinished Business

CM Baldauf asked who is responsible for paying the sewer bill if the owner has died. Solicitor Craley responded that it was the owner of record or their estate if the owner is dead.

New Business

YCBA Fall Meeting - President Mundorf requested that anyone who would like to attend the Fall Meeting of the York County Boroughs Association on September 23rd at the Dallastown Borough Office should reply to a reminder email he will sent out and he will submit the names and payment to the YCBA.

Next Year's Budget – CM Partridge explained that he and Secretary Wentz had prepared the template for this year's budget discussion on October 12th and that he would be happy to lead the budget discussion and make sure the template was properly filled out. He requested information from the tax collector on the Borough's assessable base.

President Mundorf said he would get that information from the Borough's tax collector. Council agreed that the graphics were not necessary, just the numbers.

Building Codes Officer – discussed previously under Zoning & Code Enforcement.

American Rescue Plan Act (ARPA) – no new information at this time – continued discussion of what are allowable expenditures based on what we know now. Solicitor Craley commented on how convoluted the regulations are and that the cost of researching the regulations to convince us that an expenditure is allowable would not be trivial. Discussion to be continued.

Voting on New Planning Commission Members – CM Martin reported that Cheryl Bahn is willing to serve until Sue Barley is eligible in January and Arline Jennings is willing to serve the unexpired term of Patricia Wainwright.

CM Baldauf moved to reappoint Peter Partridge and Cheryl Bahn to the Planning Commission with terms ending in August 2025, CM Partridge seconded, motion carried.

CM Partridge moved to appoint Arline Jennings to the Planning Commission to serve the unexpired term of Patricia Wainwright ending in August 2023, CM Baldauf seconded, motion carried.

Borough Building Key for Z&CEO Koons – approved in previous discussion

Updated Council Photo – tabled until CM Barley can be present in October.

Fall Newsletter – Trick or Treat on Oct 31st from 6 to 8pm as usual, fall leaf collection on Nov. 6th, 20th, and Dec 4th, keep snow renewal and holiday decorating contest notices, scratch recreational survey and NIXLE notice, fill in with other notices as appropriate and space permits.

Financial Statement

Financial reports as submitted were incomplete and inconsistent so could not approve. This has been a continuing issue since last February and its correction needs to be a priority.

Secretary's Report

Entrance Rocks – Tyke Shubert suggested replacing stones with one big rock. This could be a potential liability issue if the rock is in the street right-of-way. Diametric sand to hold stones in place still sounds like the best immediate solution. Maybe PennDot can fix when Main Street is resurfaced next year.

Mayor's Report

Streetlight on Northwest corner of Main and George was hit again. He contacted State Representative Seth Grove's office who told him that the ADA ramps for the gas station will be installed by PennDot at their cost when they resurface Main Street next year. Mayor Lloyd announced he would be officiating at a wedding at the Fire Hall this coming Saturday. A short discussion ensued about the fire company's finances. CM Partridge said he has been getting financial reports regularly every month and most recently received one for August showing a positive net income. Mayor Lloyd mentioned that he had arranged for Adams Electric Company to bring their mobile electricity exhibit for display to the public at the fire house at a future date yet to be determined.

Police Report

No report

Committee Reports

No Reports

Around the Table

CM Baldauf mentioned a problem with the alignment of one of the traffic lights. Mayor Lloyd said he notified Milt who does our traffic light repairs. CM Martin mentioned she has noticed a problem lately with poor cell phone coverage.

Meeting Recessed

Solicitor Craley announced that the meeting would stand in recess until next Tuesday, September 21st at 7pm when it will reconvene to evaluate the job performance of the current Borough Secretary and consider a resolution to appoint an Assistant Secretary and possible changes in the officers of the Borough Council.

The meeting recessed at approximately 10pm.

Meeting Reconvened

The meeting was reconvened as scheduled on September 21st at 7pm by President Mundorf. Present were all who attended the September 14th session except the Fire Chief, and the Tax Collector.

Public Comment

No members of the public were present.

Evaluation of Borough Secretary's Job Performance

President Mundorf handed out a list of incidences he had documented that demonstrated Secretary Wentz's poor job performance. After some discussion President Mundorf relinquished the chair to Vice President Baldauf in order to make a motion to terminate Secretary Wentz's employment whereupon CM Partridge requested that Council first have a discussion of termination conditions and transition issues before the vote to terminate.

In the ensuing discussion Council agreed that if the vote was to terminate, the termination would be immediate with payment through the end of September. Council also agreed that regardless of the outcome of the termination vote, an assistant secretary should be appointed and that action should be taken prior to the vote.

Solicitor Craley pointed out that the assistant secretary could not be an officer of the council and, if a member of council, could not also be the assistant treasurer. There followed a discussion of what financial actions the assistant secretary could perform. Solicitor Craley suggested that in the two weeks before our next regular council meeting the assistant secretary could perform all actions necessary to conduct the essential business of the borough until an assistant treasurer, who is not a member of council, can be appointed.

Appointment of an Assistant Secretary

Solicitor Craley presented a resolution appointing CM Partridge as Assistant Secretary.

CM Martin moved to approve the resolution appointing CM Partridge Assistant Secretary, CM Thumma seconded, motion carried.

To make him eligible for appointment as assistant secretary, CM Partridge resigned as President pro tem of the Council.

CM Thumma moved to accept CM Partridge's resignation as President pro tem, CM Martin seconded, motion carried.

CM Baldauf nominated CM Thumma to be President pro tem, CM Partridge seconded, motion carried.

Vote to Terminate Employment

Discussion of termination then continued with the consensus that it was in the best interest of the Borough to terminate Secretary Wentz's employment.

President Mundorf moved to terminate Secretary Wentz's employment effective immediately with payment through the end of September, CM Partridge seconded, motion carried unanimously.

CM Baldauf moved to authorize CM Partridge, as assistant Secretary, to perform all acts and duties of the secretary and act in the best interests of the Borough until the position of secretary is filled, President Mundorf seconded, motion carried.

Further Discussions Not Requiring Action

An invoice from ARRO Consulting for \$310 for preparation of a sewer map for New Salem Borough was questioned as to who ordered and for what reason. President Mundorf will check with the Borough Engineer to see if he knows.

President Mundorf will call Jefferson Borough to cancel our agreement effective the end of September and he will call Cheryl Bahn regarding being the Borough's assistant treasurer. Ways to advertise the secretary position were discussed such as a notice on the Borough website and in the Fall newsletter.

A resume from Lona Franklin was discussed to see if she might be a viable candidate for borough secretary. There ensued a discussion of paying hourly or a set salary. It would depend on the person and the circumstances. Perhaps starting with an hourly rate and transitioning later to a salaried position would be the good way to go. The Borough will probably have to purchase some office equipment to support a new secretary. It was agreed that we need a job description and minimum qualifications. Someone who is a self starter, self motivated, a problem solver, and an independent worker.

President Mundorf will call Ms. Wentz to inform her of her termination and its conditions and that CM Partridge will contact her tomorrow to set up a time for he and CM Harvey to retrieve any Borough property she has in her possession.

Solicitor Craley asked if there would be any objection to putting on the agenda for the next council meeting consideration of appointing his daughter, Samantha, as assistant solicitor. There was no objection.

CM Harvey questioned the Fire Company's purchase of adjoining property and their spending decisions and how this might effect the Borough's decision to make further contributions and that he has not seen any of their recent financial reports. CM partridge stated that he has been receiving financial reports from the Fire Company

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every month and that their August report showed a positive net income probably due to the success of Tuesday night bingo.

Mayor Lloyd stated that he will be meeting with PennDot and Milt's Repair Service regarding traffic light timing and trucks hitting our traffic light. Permission for Mayor Lloyd to act for the Borough in this regard will be put on next meeting's agenda.

CM Partridge is the only one who will be attending the YCBA Fall Meeting. He will register himself and pay out of pocket and seek reimbursement later.

Adjournment

The meeting was adjourned at approximately 8:15pm. The next council meeting is scheduled for Tuesday, October 5th 2021 at 7pm in the Borough Building.

Transcribed from audio recording and respectfully submitted by CM Partridge