

MINUTES OF THE NEW SALEM BOROUGH COUNCIL MEETING
December 7, 2021, Borough Municipal Building

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

BOROUGH COUNCIL PRESENT:

Edward R. Mundorf
William F. Baldauf
Peter E. Partridge
Kim E. Martin (left at 9:30pm)
Susan P. Barley
Harvey E. Thumma Jr (left at 9:25 pm)
Cecilia Harvey

OTHERS PRESENT:

Clarence R. Lloyd, Mayor
D. Michael Craley, Solicitor
Samantha Craley, Assistant Solicitor
Jeff Koons, Zoning & Code Enforcement Officer
Mike Hammers, Building Codes Officer
David Lipinski, Borough Engineer
James Pierce, Fire Chief
Milt of Milt's Repair Service
Kyle and Cassandra Reuter, Residents
Marlin Barshinger, ZHB Member

BOROUGH COUNCIL ABSENT:

None

OTHERS ABSENT:

None

Note: The abbreviation "CM" stands for "Councilmember".

Public Comment

President Mundorf opened the public comment session by welcoming David Lipinski of James R. Holley and Associates, our new Borough Engineer, and inviting him to give his report. Engineer Lipinski has been trying to get information from PennDOT on what they plan to do regarding rights-of-way and ADA compliant ramps and curbs at the Sunoco Station when they resurface Main Street next year. So far he has not been able to get a response because they are short of staff. President Mundorf has talked to David Fratangeli, the PennDOT project manager for the Main Street resurfacing project, who told him that the driveways and entranceways to the Sunoco station would not be done by PennDOT, as they are the responsibility of the property owner. PennDOT will only be doing the ADA ramps at the corner. Mr. Fratangeli had informed the owner of that and that the work should be completed by next June when the resurfacing project was scheduled to begin. Engineer Lipinski will try to get the right-of-way information from Mr. Fratangeli. CM Partridge had just forwarded an email from Fratangeli to Engineer Lipinski regarding the diameter of pipe to be used in our Contribution Agreement with PennDOT. CM Martin asked whether Engineer Lipinski would be willing to get approval from PennDot for the two speed warning signs currently located on East and West George Street. Solicitor Craley stated there would need to be a motion authorizing Engineer Lipinski to do that.

Motion by Partridge/Thumma to authorize the Borough Engineer to apply for a PennDOT permit for the Borough's two speed warning signs. Motion carried.

CM Martin then brought up the subject of getting PennDOT approval for emergency lights at the firehouse to warn motorists when the fire company was responding to a call. Engineer Lipinski will investigate. Fire Chief Pierce inquired about being able to control the traffic light at the square in an emergency when commercial power has been lost. The fire company has an emergency generator that can be used for that purpose. Milt of Milt's Repair Service, who services the Borough's traffic light, explained what would be needed to allow the fire company to do that.

Motion by Partridge/Martin to authorize the Borough Engineer to investigate what is required by PennDOT to get a permit for emergency lights at the fire house and the cost to implement. Motion carried.

Motion by Martin/Baldauf to authorize the Borough Engineer to review the issue of controlling the traffic light during a power blackout and report back to Council. Motion carried.

CM Martin inquired about the installation of speed humps to slow traffic on Forry Street. Engineer Lipinski said they must comply with PennDOT's publication on traffic calming devices, or you lose your Liquid Fuel Fund for that street. Solicitor Caley asked who to contact about putting stop signs on Forry Street. Engineer Lipinski suggested he talk to Chris Caba at the York County Planning Commission.

Milt of Milt's Repair Service explained that three of the four loop detectors buried in the street that control the traffic light are not working. One was damaged by York Water Company during its water main replacement project, and they should reimburse the Borough for it. New loop detectors cost approximately \$2,300 each. Rather than replacing these loops, Milt recommends using a radar transponder system to provide the same function that the loops at a cost of approximately \$15,000. The radar units would be mounted on existing poles, are maintenance free, unaffected by temperature and bad weather, and there is at least 4 years of failure free experience on systems currently in use in York County. Loops do not always detect motorcycles, whereas the radar system solves the motorcycle detection problem. After much further discussion of the merits of the radar system, Milt promised to provide us with the manufacturer's data sheet for this system.

Kyle Reuter of 3045 King Richards Ct S addressed the Council with a request and proposal to amend the section of the zoning ordinance that deals with fences, i.e., to raise the limit on fence height in front yards from 4 feet to 6 feet. His property is a corner lot which, according to the zoning ordinance, has two front yards and thus makes it impossible to install a 6-foot fence that surrounds his entire back yard because part of what would otherwise be considered his back yard is, by zoning ordinance definition, considered a front yard. Solicitor Caley was receptive to this apparent inequity for corner lots and will research the subject to see if there is a way to amend the zoning ordinance to accommodate Mr. Reuter's request without introducing unintended consequences.

Motion by Martin/Thumma to authorize Solicitor Caley to explore how the zoning ordinance might be amended to be more equitable for corner lots with respect to fence height restrictions. Motion carried.

Fire Chief Pierce reported on recent and upcoming fire company activities and asked if our new mayor could swear in their new members at a 7pm meeting on the 2nd Thursday in January. The fire company's ISO evaluation went well and would likely result in their rating improving from a 10, where it has been since 2018, down to a 5 or lower. Ratings are from 1 to 10, with 1 being the best and 10 the worst. The better rating should make the Borough's property owners eligible for a lower property insurance premium. The fire company will be investing \$1,300 in a record tracking system which should more than pay for itself and make relief grant audits much easier, and by reregistering, the problem with not being eligible for grants should be resolved. The cost of a set of turnout gear has risen by 25% from its previous amount of \$3,400 and the sets on order should be delivered by the 1st week in January. The six exhaust fans on the fire vehicles will be upgraded at a cost of \$2,200 and they will be battery powered. Regarding the purchase of surplus government equipment, Solicitor Caley suggested the fire company check CoStars and said the Borough will provide any necessary paperwork required for such purchases.

Approval of Minutes from Last Council Meeting

CM Partridge noted that several spelling corrections had come to his attention regarding the minutes of our November 9th meeting and that these corrections have already or would be made including an additional correction brought up by Solicitor Caley.

Motion by Thumma/Baldauf to accept the November 9th meeting minutes as corrected. Motion carried.

Engineer's Report

Covered under Public Comment

Zoning and Building Code Officers' Reports

Zoning & Code Enforcement Officer (Z&CEO) Koons reported on several permits he has issued, the status of several violations that he has been working on, and the actions he has taken. The details are covered in his written report which was included in the meeting packet. Marlin Barshinger, who lives next to 301 N. Main Street, stated that he was satisfied with the Borough's handling of the violations at that address.

CM Partridge raised the issue of certified/return-receipt letters mailed to PO Boxes in the Borough having been returned by the post office as refused. These letters were violation notices mailed by Z&CEO Koons, one of which was to Louis Diaz of 301 N. Main Street. According to one of the postal workers, the recipients regularly retrieve their mail but leave the certified/return-receipt mail in the box, which, after 20 days, postal rules require be returned to the sender.

According to Solicitor Craley, if you testify under oath that the same content was sent as regular mail at the same time and was not returned, then the burden is on the recipient to prove that he did not receive it.

Mr. Barshinger stated that it was his belief that Section 240-22B of the Zoning Ordinance applies to his residential property. This section requires a 25-foot buffer from commercial operations along the side lot line where a Mixed-Use Zone abuts a Single-Family or General Residential Zone. Solicitor Craley pointed out that even though Mr. Barshinger's property was a residence, it was located inside a Mixed-Use Zone, not a Single-Family Residential or General Residential Zone; and therefore, this section did not apply to his property. Solicitor Craley further stated that, if and when Mr. Dias applies to the Zoning Hearing Board (ZHB) for dual use, the ZHB may be able to provide some relief for Mr. Barshinger.

BCO Hammers reported that the Uniform Construction Code requires a \$4.50 fee for every building permit issued by a municipality that requires a UCC inspection. It also requires a quarterly report be submitted to DCED along with any fees collected. BCO Hammers stated that he is willing to collect the fee and fill out the report but would like to turn them into the Borough to send to DCED. The next quarterly report is due the end of January. He has signed up for a 4-day virtual recertification class in May and is on the cancellation list for the February class.

Solicitor Craley reminded Council that, in accordance with his employment contract, Council must renew Z&CEO Koons' appointment after his first 6 months on the job which was up this month.

Motion by Thumma/Baldauf to renew Jeff Koons' appointment per his contract. Motion carried.

CM Partridge requested that Council approve an expenditure of \$30 to pay for the Borough's membership in the York County Zoning and Building Permit Officials Association (YCZBPOA) for 2022. This membership would allow the Borough's Zoning and Building Permit officials, to participate in the activities of that association.

Motion by Thumma/Baldauf to approve the Borough's membership in the YCZBPOA for the year 2022 and to pay the \$30 fee. Motion carried.

Solicitor's Report

Solicitor Craley reported on the status of the four worst sewer arrearages against which he has filed liens: 77 N. Main, 105 W. George (in foreclosure by Wells Fargo), 49 N. Water (for sale – talked to listing agent and settlement company – cautiously optimistic we will collect), and 30 S. Main (owned by former owner's son - civil action is suggested).

Motion by Thumma/Baldauf to authorize Solicitor Craley to move forward on a civil suit against the owner of 30 S. Main Street at a cost not to exceed \$1,500. Motion carried.

Only other property in heavy arrearage is 1055 Smithhill Road which is also on the tax delinquency list. A delinquency letter was sent with confirmation of delivery on 20 November giving 30-day notice. If no response when the 30 days is up, a lien will be filed.

The new owner of 28 East George Street contacted Solicitor Craley because a title search revealed that a small rectangular area at the NE corner of her lot, which is her parking pad, showed up on a deed as belonging to New Salem Borough. Solicitor Craley recommended that she have her property resurveyed to include her parking pad and re-deed the property to herself and the Borough would sign a quit claim deed renouncing any claim of ownership to that piece. The cost of a survey would be around \$1,200 or \$1,500 which may be difficult for a young person just starting out to afford. Solicitor Craley assured the owner that the Borough has no interest in making any claim to this property.

Solicitor Craley mentioned that Assistant Solicitor Carley would be able to administer the oath of office to the newly elected Borough officials at our January Reorganization Meeting. The new officials would need to bring their election certificates to the meeting.

President Mundorf brought up the issue of how to remove retiring officials from the Borough email system and assign new email addresses to the newly elected officials and the new secretary/treasurer. After much discussion, CM Partridge said he would enlist the help of the person who set up the email system for the Borough, our former secretary And Shaffer, to make the necessary changes.

Unfinished Business

Status of ACH sewer payments – CM Partridge stated that Council must approve the resolution (included in the meeting packet) required by Peoples Bank and execute several other documents to set up a cash management account to receive automatic ACH withdrawals from the bank accounts of those sewer customers who have signed permission forms for Spring Grove Borough to do so.

Motion by Barley/Thumma to approve Peoples Bank resolution and authorize the appropriate Borough officials to execute the necessary documents. Motion carried.

Report on Meeting with YCPC and PennDOT – CM Partridge met in person with Chris Caba of the York County Planning Commission and via telephone link with Nate Walker of PennDOT and two of his assistants on 23 November to be briefed on upcoming PennDOT projects that will affect New Salem Borough. A report of this meeting is included in the meeting packet.

Motion by Thumma/Partridge to authorize Solicitor Craley to draft a letter to the owner of the Sunoco Station requesting that he present the Council, at no later than its January meeting, a copy of a signed contract for renovating his driveways by next April. Motion carried.

Council took a short break at this point to present retiring Mayor Lloyd and Councilmember Barley with certificates of appreciation for their many years of faithful service (31 years for Mayor Lloyd and 14 years for CM Barley) and to take photographs of the presentation and the group.

Forry Street Safety – Covered under Public Comment. Solicitor Craley will contact Chris Caba at York County Planning Commission about installing stop signs.

Secretary/Treasurer Search – President Mundorf reported on the in-person interviews of the two candidates with the strongest resumes and telephone interviews. A third candidate did not show. All but one council member participated in the interview. After some discussion, both candidates were deemed suitable for the position and there was strong agreement to offer the position to the candidate Council deemed best suited for the position by qualifications and relevant experience. Council also agreed to offer an hourly rate of \$20 per hour plus mileage and expenses with a performance and compensation review after 6 months and annual reviews thereafter. CM Partridge volunteered to prepare a formal offer letter for President Mundorf's signature.

Mayor Lloyd requested that he be able to give his report before CM's Thumma and Martin had to leave. He asked for two councilmember volunteers to help judge the Christmas decorations contest starting at 6pm on December 15th. CM's Barley and Martin said they would help. Local businesses donated \$120 for prize money. He further reported that he just recently found out there is a second group home on Scarlet Drive which, according to the Borough Zoning Officer, is owned by the group home's sponsoring agency. CM Partridge related that someone had called about having the mayor officiate at a wedding and that he had given that person Mayor Lloyd's phone number. Mayor Lloyd said that he can still officiate at weddings as a retired mayor. Mayor Lloyd is willing to stay on as the Borough's Emergency Management Coordinator (EMC) if the Borough so desires. The EMC is appointed by the Governor at the recommendation of the Borough. Mayor Lloyd is training another person to take over the EMC position when he no longer can do it. He said that it has been a pleasure serving the Borough these many years but, for health reasons, he feels he needs to retire. Everyone thanked him for his service and wished him well.

Council took up again the matter of offering the position of secretary/treasurer to the most qualified candidate.

Motion by Baldauf/Barley to offer the position of secretary/treasurer to Rachel Kling at a salary rate of \$20 per hour plus mileage and expenses with a start date of January 4th. Motion carried.

CM Thumma leaves the meeting.

New Business

Approve Resolution Appointing 2022 Auditor – Solicitor Craley presented a resolution appointing the firm of Kochenour Earnest Smyser & Burg, Certified Public Accounts as the Borough's auditor for 2022.

Motion by Barley/Baldauf to appoint Kochenour Earnest Smyser & Burg as the Borough's auditor for 2022. Motion carried.

CM Martin leaves the meeting.

Approve 2022 Budget and Tax Rate Ordinance – CM Partridge reported that there was no public response to the advertised budget notice and that no changes have been made to the budget tentatively approved at our November 9th Council meeting.

Motion by Baldauf/Barley to accept the 2022 budget tentatively approved last month. Motion carried.

Solicitor Craley reminded Council that they also need to approve the tax ordinance.

Motion by Baldauf/Partridge to approve the tax ordinance specifying an increase in the tax rate from 1.25 to 1.5 mils. Motion carried.

Mayor Lloyd signed the tax ordinance indicating his approval.

Approve Council Meeting Dates for 2022 – President Mundorf referred to a list of council meeting dates for 2022 that was included in the meeting packet. After some discussion, agreement was reached on the dates in the list. CM Partridge said he would have them advertised.

Motion by Partridge/Barley to accept and advertise the dates proposed by President Mundorf. Motion carried.

Microsoft Office Tools for Borough Computer – CM Baldauf agreed to contact Assistant Treasurer Shaffer to help him resolve the problem of accessing MS Office tools on the Borough computer.

Borough Building Modifications – President Mundorf outlined a number of issues with the Borough Building regarding storage space, an enclosed office for a secretary that can be locked, and internet access. After some discussion Council agreed to table this matter for another meeting.

Financial Statement

CM Partridge reported that Assistant Treasurer Shaffer had completed the reconciliation of QuickBooks with the bank statements and is now able to provide valid financial reports. After a quick explanation of the report included in the meeting packet, CM Partridge recommended that the financial report for October submitted by Assistant Treasurer Shaffer be approved.

Motion by Barley/Baldauf to accept the financial report as presented. Motion carried.

Secretary's Report

Undelivered Mail – covered under Zoning and Building Code Officers Reports.

2020 Audit and DCED Report – CM Partridge reported that our former secretary neglected to complete DCED's Annual Audit and Financial Report (AFR) due by 30 April each year and did not notify any Borough official that this report had not been filed. He first became aware of this delinquency when he recently received a "friendly reminder" notice from DCED requesting that the Borough's 2020 AFR be submitted by 31 December 2021, or our municipality would be flagged

as non-compliant. He stated that he will work with Assistant Treasurer Shaffer to have the 2020 audit accomplished and the AFR for 2020 submitted.

YATB Delinquency Notice – CM Partridge reported that he had been notified by the York Adams Tax Bureau that the Borough is delinquent in filing its 1st and 3rd quarter employee EIT withholdings. Assistant Treasurer Shaffer will submit these filings.

Mayor's Report

Given previously under Secretary/Treasurer Search

Police Report

CM Partridge reviewed several summary reports he had downloaded from the State Police website's dashboard to illustrate the information that can be obtained from that website. Because of the large amount of data available and not knowing what might be of concern, it would not be practical for him to know what data to bring before the council each month. He recommended that a councilmember with a particular concern should research the data on this website and put in on the agenda for discussion at a council meeting.

Committee Reports

Sewer Committee chair, CM Partridge, reported that he had sent an email to Mr. Rehab inquiring about the state of the flushing and video inspection of the Borough's sewer lines including a short section of our stormwater drains. Mr. Rehab's response to this inquiry is included in the meeting packet. Approximately 23,827 feet of our sewer lines have been flushed and inspected to-date at a cost of \$34,529 already billed and paid. The remaining approximately 7,000 feet plus the short section of stormwater drain is awaiting the completion of York Water Company's project replacing water mains along Main Street and is estimated to cost an additional \$14,550 for a total of approximately \$49,079. Only \$25,000 was budgeted.

Around the Table

CM Baldauf inquired if anything had been done about the trailer parked on Robinhood Drive. CM Barley stated that the problem with nails dropping off the trailer seems to have been resolved after our Z&CEO sent a letter to the owner.

Council agreed that both candidates interviewed in-person for the secretary/treasurer position were acceptable and if the first candidate to whom we offer the job does not accept, we should offer it to the other candidate.

CM Barley mentioned that someone might want to check the speed sign on West George Street. It did not seem to be working the last time she went by it. Solicitor Craley said that the speed sign on East George Street was stuck on 29mph when he came by it the other day. Others said they have not noticed any problems with the speed signs. If problems persist, CM Partridge said he would notify Spring Grove so their Public Works Department could check it out.

Solicitor Craley reminded Council that Sue Becker needs to submit her resignation from the Zoning Hearing Board and that we need to find a replacement for her. She could then be appointed to the Planning Commission. Mayor Lloyd expressed an interest in being on the ZHB now that he will no longer be the mayor. Solicitor Craley said that he can be appointed by resolution at our January meeting.

CM Partridge reminded Council that it also must approve new rates which should be done by resolution at our January meeting.

President Mundorf reiterated his question about how we were going to set up email accounts for the new mayor, councilmember, and secretary/treasurer. CM partridge restated he would talk to Assistant Treasurer Shaffer about how to handle that.

Adjournment

The meeting was adjourned at approximately 10:00pm. The next council meeting is scheduled for Tuesday, January 4, 2021, at 7pm in the Borough Building. This meeting will be a combined reorganization and regular meeting.

Transcribed from audio recording and respectfully submitted by CM Partridge.