

APPROVED

MINUTES OF THE NEW SALEM BOROUGH COUNCIL MEETING

February 1, 2022, Borough Municipal Building

The New Salem Borough Council met in regular session on Tuesday, February 1, 2022. The meeting was called to order at 7:00 pm by Mayor Franklin who led those in attendance with the Pledge of Allegiance to the Flag. President Mundorf then presided.

BOROUGH COUNCIL PRESENT:

Edward R. Mundorf
William F. Baldauf
Peter E. Partridge
Kim E. Martin
Harvey E. Thumma Jr (left at 9:20 pm)
Cecilia Harvey
Sue Ann Becker

OTHERS PRESENT:

Ronald M. Franklin, Mayor
D. Michael Craley, Solicitor
Samantha Craley, Assistant Solicitor
Jeff Koons, Zoning & Code Enforcement Officer
Mike Hammers, Building Codes Officer

BOROUGH COUNCIL ABSENT:

None

OTHERS ABSENT:

David Lipinski, Borough Engineer

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

Public Comment

Jamie Schlesinger, Managing Director of PFM Financial Advisors, addressed the Council with a proposal for reducing the interest rate on the sewer loan to save approximately \$102,300 over the life of the loan for an up-front fee of around \$26,500 yielding a net savings to the Borough of around \$75,800 over the life of the loan. (See meeting packet for Jamie's presentation.). After some discussion, Council authorized PFM to proceed with their proposal.

Motion by Thumma/Baldauf to authorize PFM to proceed with their proposal and keep Council informed. Motion carried.

Approval of Minutes from Last Council Meeting

President Mundorf noted that the minutes need to be corrected to add Kristy Smallwood to the attendance list.

Motion by Thumma/Baldauf to accept the January 4th meeting minutes as corrected. Motion carried.

Zoning Officer's Report

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 in his report which is included in the meeting packet. He has been pleased with the progress made by Sharon Strieberg of 109 W. George Street. Freyman of 109 W. George Street has been unresponsive to his attempts to make contact and he is ready to take legal action. Diaz is compliant as of now and is working with CGA Law to file for an exception.

CM Martin brought up the issue of unshoveled sidewalks after snow has fallen. CM Partridge volunteered to draft a courtesy reminder letter for Mayor Franklin to drop off with homeowners who are not shoveling their sidewalks within the required 24 hours after the snow has stopped falling. The letter would remind them that the Borough may, at its discretion, have the snow removed and collect the cost from the property owner, and that other remedies are also available to the Borough if warranted. Council encouraged Zoning Officer Koons to check for snow shoveling violations as well as overgrown vegetation for which the same process of a courtesy letter followed by enforcement could be used.

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Motion by Martin/Becker to have CM Partridge draft such a letter for Mayor Franklin to drop off with delinquent homeowners and subsequently to have Tyke Shubert clear their sidewalks and have the Borough bill them whenever they do not comply. Motion carried.

President Mundorf said he would contact Tyke Shubert about providing this enforcement service to the Borough.

Building Code Officer's Report

The only action this past month was the issuance of a building permit for a solar power system installation at CM Partridge's house. A realtor representing a vacant property on Robin Hood Drive had inquired whether a modular home could be placed on that property. Solicitor Craley stated that the Borough, either through land development or zoning, could not prohibit someone from putting a single-wide mobile home on a lot because it is considered a single-family dwelling. Such prohibitions would have to be done through private party deed restrictions. The home would still have to meet minimum square footage requirements in the zoning ordinance. BCO Hammers stated that the mobile home itself is inspected at the factory but the foundation and utility installations would have to be inspected and meet code requirements. They ensued a brief discussion about zoning restriction vs homeowner association restrictions and how they sometimes conflict, and that the Borough has no jurisdiction with respect to HOA restrictions.

Engineer's Report

The Engineer's report was provided in the meeting packet. Engineer Lipinski joined the conversation by telephone and a discussion of the ADA ramps at the Sunoco Station ensued. Engineer Lipinski pointed out that if the ADA ramps that are the Sunoco Station's responsibility are not installed before PennDOT repaves Main Street then PennDOT would not allow the pavement to be disturbed for another 5 years. Solicitor Craley suggested that Engineer Lipinski be permitted to work with the Sunoco Station owner to come up with a design and contractor to do the job before PennDOT repaves Main Street. He suggested that two permits be obtained, one for the Sunoco Station and one for the Borough, in case the Sunoco Station backs out of the deal and the Borough has to complete.

Motion by Thumma/Baldauf to allow the Borough Engineer and James R. Holley and Associates to work with the Sunoco Station's owner/attorney to design the ADA ramps and hire a contractor to do the work, and that the Borough would not consider this a conflict of interest. Motion carried.

With regard to the control of the traffic light during emergencies, Mayor Franklin reported that he asked for and was given the key to the control box by the previous mayor. The ability and need to hook up an emergency generator to power the traffic light when commercial power is out was questioned given that there is a low probability of this happening and there are viable alternatives that the fire Company can implement. In any event, PA motor vehicle law would require motorists to consider the intersection to be a four way stop if the traffic light were not working. It was agreed that we should wait and only consider doing such an upgrade if there are other modifications, such as installing a radar system, that need to be done.

Solicitor's Report

Status of sewer Arrearages - Solicitor Craley reported on the status of the four worst sewer arrearages against which he has filed liens: 181 N. Main Street is paid in full, the property was sold. Mr. Ness is paying down, a civil suit has been filed with the District Magistrate against E. Hewitt of 30 S. Main Street, our worst offender who owes around \$8,000, and Betty Elmer on 270 N. Main is 3 quarters delinquent. Solicitor Craley stated that he is still considering water shut offs for a few delinquent homeowners but may have to wait until April when the weather is warmer. Letters will be sent to Josh Grady of 4138 Robin Hood Drive and Ethel Warner of 4053 Robin Hood Drive and Jacob Sutherland. Apparently, the previous owner of the property where Dollar General is located was one quarter delinquent at the time of the sale and it was never paid. Solicitor Craley will have Spring Grove add the delinquent amount to Dollar General's next sewer bill. Gerald and Cathy Myer's property on Smith Hill Road has been liened because it is a rental and can't have the water shut off. Ryan White actually has a credit of \$105 but not sure why.

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It was suggested that the \$26,500 fee we would be paying PFM to lower our sewer loan interest rate would save us more if it were used, instead, to pay down the principal on the loan. Others argued otherwise. CM Partridge offered to run the numbers to see which is true.

Solicitor Craley asked if Council would like to consider enacting a tenant registration ordinance that would require a landlord to notify the Borough if their property is occupied by a tenant. The sense of Council was that such an ordinance is not necessary at this time.

Stop Signs on Forry Street - Solicitor Craley spoke with Karen Atkinson of PennDOT's Local Technical Assistance Program (LTAP). Once we have registered with LTAP, which CM Partridge has already taken care of, we can set up a meeting to meet with them and they will help us solve the problem free of charge.

Discussions w/Sunoco Station about ADA Ramps – This topic was covered under the Engineer's report.

Unfinished Business

Approve Borough Fees – no changes so far from what is currently approved. The fees can be changed at any time there is good reason to make a change.

Further Consideration of Traffic Signal Control Options – CM Partridge referred to an email from York Water Co.'s Supervisor of construction stating that YWC has no plans for further road construction along either Main Street or George Street in the Borough. CM Partridge was tasked with contacting York Water Co. to initiate reimbursement for the traffic loop they destroyed and contacting Milt's Repair Service for a quote to replace the three defective loops in the north and southbound lanes of Main Street and the in the westbound lane of E. George Street. Alternatively, ask Milt if the traffic light timing can be programmed to different cycles at different times of the day.

Motion by Baldauf/Harvey to contact Milt to start the process of preparing the loops and setting the timer until the loops are replaced with a cap of \$7,000 on the cost. Motion carried.

Secretary/Treasurer Situation (moved up from New Business) – CM Partridge proposed a scenario and conditions in which he would resign from Council to be appointed interim Borough Secretary/Treasurer while the Borough was searching for a person to hire as a permanent secretary/treasurer. A copy of his proposal, which was handed out at the meeting, will be added to the packet for this meeting. Council reacted favorably to his proposal with the understanding that it could not guarantee that the scenario would play out as proposed. Action on this proposal will be taken at the March 1st Council Meeting. President Mundorf then passed out a copy of his job notice and description and asked if there were any suggestions to improve it and stated that he intended to hand deliver a copy to every house in the borough.

Motion by Baldauf/Harvey to approve President Mundorf hand delivering his secretary/Treasurer job notice and description to every house in the Borough. Motion carried.

Solicitor Craley mentioned that the PA Borough Code prohibits more than two Borough officials serving on the Planning Commission at the same time which means, under CM Partridge's proposal he could not continue to serve on the Planning Commission while serving as secretary/treasurer who is considered a Borough official. He also mentioned that Paragraph 1104 (e) of the Borough Code requires that if the same person is to serve as both secretary and treasurer, there must be an ordinance authorizing it.

Motion by Baldauf/Thumma authorizing Solicitor Craley to prepare an ordinance allowing the same person to serve as both Borough secretary and treasurer. Motion carried.

CM Partridge said that what he takes as salary plus what we pay Assistant Treasurer Shaffer would not exceed the \$1,250 per month that is in the 2022 budget for the position of secretary/treasurer. It was agreed that his proposal would be implemented at the March 1st Meeting.

Borough Building Modifications, Office Equipment, and Internet Connectivity – President Mundorf presented a plan for obtaining Comcast Business broadband internet service in the Borough Building at a cost of around \$110 per month initially including a \$20 equipment rental fee but excluding taxes and fees.

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Motion by Thumma/Baldauf to authorize President Mundorf to engage Comcast Business on behalf of the Borough to install and provide their broadband internet service to the Borough Building. Motion carried.

Solicitor Craley reminded Council that they needed to formally accept Kristy Smallwood's resignation, a copy of which was emailed to every councilmember and will be added to the packet for this meeting.

Motion by Thumma/Partridge to accept Kristy Smallwood's resignation as the Borough's secretary/treasurer as expressed in her email to CM Partridge. Motion carried.

CM Partridge led a discussion of the building modifications and equipment needed to convert the Store Room into an office and the Utility Room into a temperature controlled space suitable for the storage of paper records. Part of the conversion should include maintenance on the HVAC system, which has not been regularly maintained. CM Baldauf agreed to provide Council with a proposal for an office printer, including maintenance, that would be suitable for the Borough's needs.

CM Thumma leaves the meeting.

Motion by Baldauf/Harvey for CM Partridge to get a quote from Stambaugh Heating and Cooling to install a heat register in one of the ducts in the Utility Room and to perform maintenance on the Borough Building's HVAC system. Motion carried.

CM Martin brought up the need to test for mold and have it removed as a part of converting the Store Room to an office.

New Business

Secretary/Treasurer Situation – covered under Unfinished Business

End-of-Year Actuals and Effect on 2022 Budget – Referring to a chart in the meeting packet that showed the 2022 budget summary with actual 2021 year-end balances vs the projected balances used in the budget process, CM Partridge noted that the actual year-end balances were much higher than the projected balances in all three funds by an aggregate amount of \$170,233. Part of the reason for this is expenses budgeted to be paid last year that were deferred to this year such as the balance on flushing and visual inspection of the sewer lines and the fire equipment the Borough agreed to pay for. Also collection of sewer arrearages has helped.

Consideration of Amending the 2022 Budget - Given that the Borough is in a better financial position than projected by the 2022 budget, CM Partridge recommended that there was no need to amend the budget.

Motion by Baldauf/Harvey to accept CM Partridge's recommendation not to amend the 2022 budget. Motion carried.

President Mundorf suggested that Council take up consideration of the Financial Statement at this time.

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

Yard Sale – After some discussion the dates for the yard sale were set for Thursday, Friday, and Saturday, the 12th, 13th, and 14th of May.

Newsletter – Using last spring's newsletter as a template, Council discussed what needs to be changed for this spring's newsletter. CM Partridge mentioned that the fire company did not send him their December financial data as agreed. Mayor Franklin will remind them that we would still like to get their report each month preferably in the middle of each month for the previous month. Mike Hammers needs to be added to the list of Borough officials.

Financial Statement

Covered above under New Business.

Secretary's Report

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CM Partridge handed out copies of the PA Statement of Financial Interest forms to be filed out by all Borough officials for last year and returned to the Borough Secretary by the 1st of May. Solicitor Craley explained what information needs to be provided and be sure to read the instructions. Zoning Board members and CR Lloyd, as our former mayor, also need to submit one. Planning Commission members who are not elected officials do not have to submit them as they only make recommendations. The NSB Directory is being held up for any changes to the Borough's fees. A final draft copy will be sent to all Borough officials for any final corrections. It was decided that the Borough Engineer will remain the primary representative to the York County Storm Water Consortium and CM Partridge will be the alternate.

Mayor's Report

As mentioned earlier, the mayor reported that he now has the key to the traffic light control box. He did not get up to the fire company due to Covid.

Police Report

Mayor Franklin said he called the State Police to see when they would be putting crime data on their website and was told that every time they do that it has to be removed because it interferes with investigations. Further inquiry got him nowhere regarding getting any report. Council advised him to call Lt. Spangler, the barracks commander.

Committee Reports

No reports at this time.

Around the Table

CM Martin said she just got a text from Sue Barley saying she would be agreeable to replacing CM Partridge on the Council until we found a new secretary.

CM Baldauf brought up the problem of people parking their cars off the road and on the curb, grass, and even the sidewalk. He suggested that Zoning Officer Koons enforce these violations.

Solicitor Craley noticed that Mayor Franklin and CM Becker were still using their personal emails for Borough business. CM Partridge replied that getting them Borough emails is still on his to-do list but so far other more pressing items have been taking precedence.

Adjournment

The meeting was adjourned at approximately 10:10pm. The next council meeting is scheduled for Tuesday, March 1, 2022, at 7pm in the Borough Building.

Transcribed from audio recording and respectfully submitted by Assistant Secretary Partridge.