

**APPROVED**  
**MINUTES OF THE NEW SALEM BOROUGH COUNCIL MEETING**  
**October 4, 2022, at 7:00 pm in the Borough Municipal Building**  
**80 North Water Street, York New Salem PA 17371**

The New Salem Borough Council met in regular session on Tuesday, October 4th, 2022. 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, President  
Kim E. Martin, President pro tem  
Harvey E. Thumma Jr. (9:03 PM departure)  
Susan P. Barley  
Cecelia Harvey  
Sue Ann Becker  
William F. Baldauf, Vice President

**BOROUGH OFFICIALS PRESENT:**

Samantha Craley, Assistant Solicitor  
D. Michael Craley, Solicitor  
Peter E. Partridge, Secretary/Treasurer  
Erica Delp, Administrative Assistant  
Jeff Koons, Zoning & Code Enforcement Officer  
David Lipinski, Borough Engineer

**OTHERS PRESENT:**

Fire Chief James Pierce  
Ann Jones, Glatfelter Library  
Jan Noss, President of the Lions Club

**BOROUGH COUNCIL ABSENT:**

None

**BOROUGH OFFICIALS ABSENT:**

Mike Hammers, Building Codes Officer  
Ronald Franklin, Mayor

Note the following Abbreviations:

“CM” = “Councilmember”

“Pres.” = “President”

“S/T” = “Secretary/Treasurer”

“Engr.” = “Engineer”

“AA” = “Administrative Assistant”

“Sol.” = “Solicitor”

“Z&CEO” = “Zoning and Code Enforcement Officer”

**1. Public Comment:**

**A. Fire Chief Spangler:**

1. The equipment previously ordered has come in and the estimated total on the invoice is \$36,000.00. The Fire Chief will provide a copy of the invoice to New Salem Borough for payment.
2. Special events in the borough upcoming are: holding a trick or treat station at Halloween, Santa visiting via fire truck at approximately 4:30pm on Dec 10th and breakfast with Santa on December 17th. There is no cost for any of these events and they will be held in conjunction with West York fire departments.
3. The fire station has begun using the “Crew Force” app now to improve response times. It has been effective.
4. A vehicle rescue class is currently being conducted at the fire station to allow the fire crews to gain more certifications and also improve grant eligibility. This class is the reason for dismantled vehicles in the parking lot. These vehicles will be removed by the end of October. This program helps fire fighters get certified and make the station eligible for grants.
5. Tri Community Ambulance response to calls was discussed. It was indicated that there have been no recent changes in their response rate. It was discussed that there can be many factors that can influence which organization responds to a call. It is still uncertain if there will be a change in providers in the foreseeable future.

**B. Ann Jones (Glatfelter Memorial Library)** The library thanked New Salem Borough for the \$1,000.00 donation. Ann explained that currently the library funding has been cut in recent years, leading to a very tight budget, so the gift was appreciated. The library currently serves 305 patrons from York New Salem and approximately \$29,000.00 has gone toward serving these patrons. As Covid-19 restrictions have eased, the library expects to add new programs soon. The library also hopes to improve the facility by funding handicap accessible doors and upgrading the heating and cooling system.

**C. Jan Noss (Lions Club)** The Lions Club will be holding a chicken BBQ on October 15th. They also will have a trick or treat station near the Sunoco station on October 31st. They also will be holding a 50/50 raffle during the month of November.

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### 2. Z&CEO's Report: Jeff Koons

#### A) Permits: Permits issued in September

- 1) Robert Woods: 38 E George Street, for a fence.

#### B) Enforcement Actions Taken:

1. 105 W. George St (Freyman), NOV previously issued for junk: No new updates.
2. 105 W. George St. (Freyman), NOV previously sent regarding Chapter 55, poultry: There are no updates other than it is believed the rooster has been removed.
3. Discussion was had regarding the growth of vegetation growing out of the drainage grate. It was determined that it is the resident's responsibility to maintain that area. Tyke Shubert is willing to conduct the compliance work, but permission needs to be obtained from the resident. Engineer Lipinski recently conversed with PennDot regarding this culvert and 2 others (one culvert at Zaza's and a culvert at the Bailey property were identified as the remaining two). PennDot has agreed to clean the outfall sides and will consider doing the inlets as well because they have the right to go 50 feet beyond their structures to do work. One of the areas identified on a property belonging to the Baileys appears to have been filled with rock and intentionally developed to intercept the flow of water approaching a shed. PennDot is concerned that removing the rocks and cleaning the area would cause water to flow toward the structure and has requested that Engineer Lipinski present this information to the borough council before maintenance measures are taken. General agreement was reached that prior to taking action on the Culvert at the Bailey residence, council members would observe the area after significant rainfall to determine if the current state of the area is causing water to collect on the public road. It was agreed that Engineer Lipinski could ask PennDot to proceed with maintaining the drainage areas at 105 W. George and also the area near Zaza's. PennDot will maintain the outfall, but did not guarantee maintenance of the inlet, however, they may correct the issues if the work seems achievable. It was also agreed that an NOV could be given to 105 W. George St. and the neighboring property to maintain the vegetation interfering with drainage. This NOV will also indicate that communication with the borough is needed if the resident feels the areas cited belong to a neighbor. If the work remains uncompleted, Tyke Shubert could then be contracted to do the work at the residents' expense.
3. 51 N Main St., NOV mailed for 2 goats: Zoning Officer Koons inquired what next steps should be taken regarding the goats now that the borough can no longer make any actions on the original NOV. Solicitor Craley advised that no new action can be taken at this time unless a new complaint is issued by a resident. No further action will be taken at this time.
4. 51 N. Main St., NOV was issued for constructing a fence and a pool without acquiring a permit. Zoning Office Koons has gathered photographic evidence of the projects and has sent letters notifying the resident that permits are needed for this activity. The resident has not responded. A complaint will now be filed with the District Justice.
5. 301 N Main St, (Diaz): A meeting was had with Mr. Herald, the attorney for Mr. Diaz. Mr. Diaz has until the end of month to clean up the property or file for an exception. His attorney has until Friday to let Solicitor Craley know if they will file for exception. In that case, Mr. Diaz will need to follow the steps to make the property a multiuse building. He also will need to appear before the planning commission/zoning board to be permitted to conduct business for sharpening and vehicle sale, service, and repair. The business would need to follow all the regulations pertaining to that type of use. If the issue is not resolved by end of October, citations may resume with the goal of compliance in mind.
6. Zoning Board: It is not correct that Marlin Barshinger's, CR Lloyd's terms expire in August of 2023. Keith Martin's term expires in 2025. Marlin Barshinger's term expired in August of 2022 because he was filling a vacancy, therefore he needs to be reappointed. It should be corrected to state that Marlin's term expires in 2025, Keith Martin's term expires in 2024, and CR Lloyd's term expires in 2023. An issue has arisen because there is a conflict regarding the term of Marlin Barshinger. Sol. Craley has drafted a resolution to address the issue by reappointing the three members of the zoning board. Typically, a zoning board is appointed in January of each year as a part of the reorganization process. New Salem has done it in August historically because that is when zoning ordinances were enacted, but requirements only state that it must be done "annually". It was recommended that an alternate member be found for cases when a board member may have a conflict of

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interests. This alternate member needs to be found prior to the Diaz zoning case being presented and can be appointed at the next meeting. No council member or official can serve in this capacity.

7. 63 N Main Street, an NOV was issued to for chapter 55 (poultry outside fence).
8. NOV sent to the following Robin Hood drive addresses: 4041, 4042, 4032,4142, 4061, 4153, 4159, 4162, 4069, 4037, 4085, 4166, 4134, 4122, 4119, 4117, 410, for violations pertaining to the sidewalk such as overgrown foliage and trees overhanging. Zoning and Code Enforcement Officer Koons received 12 replies in which the residents indicated they were dissatisfied with the findings. Discussion was had as to the benefits and complications of such warnings. Complications discussed were the changing conditions of foliage and natural debris. Benefits of such warnings were increased safety of pedestrians and litigation prevention for residents. It was suggested that the newsletter or door hanging notifications could be useful in helping residents to plan to fix issues. Another sidewalk notification for the Pritchard Property is needed because the sidewalk seems to have been damaged during the recent pool installation.
9. It was confirmed that work completed by Tyke Shubert on behalf of the borough can be invoiced to the owners of the property with the understanding that the failure to pay the fees will result in a lien being placed on the property.

### 3. BCO's Report: No Report Given

### 4. Engineer's Report: David Lipinski

A) Sunoco Station ADA Ramps: In recent weeks engineer Lipinski has had several conversations with PennDot because their manuals and regulations disagree in relation to ADA compliance. PennDot informed Engineer Lipinski that normally detectable surfaces are not needed on driveways; however, they can be required sometimes. PennDot said Borough Council may decide if they are needed in the case of the Sunoco Station. There was general agreement that three new detectable surfaces would be placed on the remaining ADA ramps near the Sunoco station. There is not a need for a 4th one because PennDot has already installed one at NE corner of the Sunoco lot. Plans are now ready, and they will be submitted to PennDot by Engineer Lipinski.

B) Fire Company Signal: Engineer Lipinski met with the Fire Chief and gave him information about deed conflicts. Currently, the conflicts are unable to be resolved. Discussion was had as to how a search for past deed information should be done. It was also suggested that conducting a survey may be useful, though cost will be incurred. Before proceeding, Solicitor Craley suggested that he may have access to a prior deed or survey from the past. He will look for that information and provide it to Engineer Lipinski if it exists.

C) Sanitary & Storm Sewer Inspections: Mr. Rehab has now provided 134 videos of the Storm Sewer system. However, a total of 150 manholes have been counted. It was discussed that it is possible that some of the videos contain footage of more than one manhole. It was also confirmed that Mr. Rehab created their footage based on the map provided by Spring Grove borough. Engineer Lipinski and Secretary Partridge were able to resolve the issue of the mismatched numbers and view the manholes in question that needed observation and repairs. Engineer Lipinski will take the resolved sewer map and highlight all the area videoed for next month's meeting, so that it can be ascertained if the footage accounts for the entire system. The resolved map of the sewer system has been provided to the borough now.

D) Ground Depressions at 122 S. Main Street: The Manhole close to the 122 South Main Street Residence was identified as manhole # 10. It is 12 and ½ feet deep and the line coming from 122 South Main Street is shallow. It runs toward the manhole and drops in elevation. The structures in this area are deep because they connect to another drain system. After viewing videos of adjacent manholes, it was confirmed that there are no problems within the storm sewer system. Therefore, the problem is likely occurring above the line. Photos of the site from Google Earth were viewed with a time stamp from 2019. This allows Engineer Lipinski to infer that the settlement has occurred within the last three years. The project could require excavation because the system is 12 ft deep and close to the highway, but a patch and/or structural foam is recommended as a first measure of correction with cost effectiveness and efficiency in mind. After the work below ground is completed, paving repair would follow. Because there is currently no indication of pipe sagging, the resident of 122 South Main Street can be contacted by the borough secretary to confirm that the pipe is intact, and that the borough can now receive quotes from contractors who can repair the deterioration at 122 South Main Street.

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E) Depression in front of Borough Building, 80 North Water St.: The manholes at the brough were identified as #71 and 72. At manhole 71 it has been discovered after viewing video footage that that pipe sags and needs to be excavated and repaired. The ground settlement is likely occurring near the pipe as well. Currently, it is uncertain what the cost will be to repair the area. Structural foam is an option for fixing the ground, but only after the sagging pipe is fixed. If the sag is not repaired, it will cause a pipe to be blocked. The pavement will need to be repaired secondarily. It was suggested that if any other areas in the borough are showing signs of ground settlement, it may be more cost effective to take care of all the areas of concern at once if structural foam is used, since the bulk of the cost is incurred in bringing the truck out to complete the service. Other potential locations for observation include areas on Robinhood Drive where some ground settlement near sidewalks has occurred. It was discussed that the borough has responsibility to maintain the areas up to the streetside curb. It was stated that three job quotes will be needed.

Acquisition of materials could be a challenge. Quotes should be obtained during the winter season. **Motion by CM Martin/CM Baldauf to allow Engineer Lipinski to get three quotes for repairs to manholes 71 and 72 and the surrounding areas at 80 N. Water Street including the authorization to prepare the documents to get the quotes.**

**Motion carried unanimously.** A set of as-built drawings are needed to index the manholes.

F) Desirability and cost of acquiring an on-line GIS (Geographic Information System) capability: It was discussed that Diamond Maps is a good system for water and sewer management. It is cloud based. Our data can be added to Diamond Maps GIS data. Spring Grove has the data on New Salem and it can be requested to import it to the Diamond maps GIS system. Secretary Partridge is willing to research this system's capabilities and costs and bring information to the council for consideration. Stewartstown is one municipality that also uses the system, and it is believed based on their experience, it does require someone to input the data each month. A benefit of having the system is that issues can be investigated in faster time. **Motion by CM Baldauf/CM Barley to allow Secretary Partridge to research the Diamond Maps GIS system. Motion carried unanimously.**

H) Phase 2A Scarlett Drive: Steps needed to adopt the unadopted portion of the street were discussed as Administrative Assistant Delp became aware that a PR 990 form is usually submitted to PennDot at this time of year when streets are adopted. Currently, the borough is not doing the snow removal on the unadopted portion. The developer is likely doing that. It was decided that it will be put on the snow removal map along with Palmer because including these areas in the snow removal plan is a low cost for the borough with a definite benefit to the residents. It is believed that Phase I is already adopted because it is on the liquid fuels list, but it will be researched and confirmed by Solicitor Craley. If the roads meet the Engineer's approval, the street can be adopted after the trustee of the development initiates the process of formal adoption by requesting it and providing a description of the streets. PR 990 will likely need to be filed next year once new streets are formally adopted. Once a legal description of the street is given, Solicitor Craley can prepare adoption forms. There was a request to have Engineer Lipinski to contact the trustee, Kathy Henry, to let her know about the steps required for the process of adoption. The complete adoption process will also need to be done for Palmer Avenue. A description of Palmer Avenue also needs to be done by Engineer Lipinski. **Motion by CM Barley/CM Baldauf to allow Engineer Lipinski to survey the unadopted portion of Palmer Avenue and prepare forms for the ordinance to be adopted. Motion carried unanimously.**

I) Storm Drains: Resident David Marconi sent photographs of existing flaws in storm drain construction along Main Street. PennDot maintenance had previously brought up to District Aid that the repairs were problematic for vehicle traffic on the roads, however, they were not corrected. District Aid responded saying that they can't improve the repairs any further. It was requested that Engineer Lipinski contact Representative Seth Grove's Office to ask if anything can be done to improve the conditions now that we have received a citizen complaint.

### 5. Approval of September 6th Council Meeting Minutes

Administrative Assistant Delp indicated that she had made the requested corrections that were given prior to the meetings. A few other corrections were requested by Council President Mundorf; pg 4 section 4d: Spring Grove should be capitalized, also several misspellings of "Borough" throughout the minutes. **Motion to accept and approve the September 6th council minutes as correct by Council President Mundorf by CM Thumma/CM Baldauf. Motion carried unanimously.**

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### 7. Solicitor's Report

A) Status of Sewer Arrearages: In the Myers case the borough received a default judgement on September 15th, Solicitor Craley will wait 30 days to see if it is appealed. If it is not appealed, Myers and the two judgements against Freyman will be transferred from district court to the Prothonotary's office. Resident Gurfollino has paid the arrearages. Payment plans were discussed with some additional residents, but no further responses have been received, so payment plans have not been finalized at this time. At this time, a new shutoff agreement has still not been received from Vernon Bracey for York Water Company.

B) Adoption of Palmer Avenue was discussed during the Engineer's report and necessary authorizations were made. 3 of 5 responses from Palmer Avenue residents were received in favor of adoption. The remaining two have been unresponsive so far. This constitutes a majority of property owners, and the borough may move forward with the adoption process.

C) Carry over from Zoning Officers Discussion: Adoption of the resolution to appoint the current zoning board members. Appointments include members Marlin Barshinger for term expiring 8/31/25, CR Lloyd for term expiring 8/31/23 and Keith Martin for term expiring 8/31/24 **Motion to approve the resolution to reappoint the members of the zoning board CM Thumma/CM Becker. Motion carried unanimously.**

### 8. Unfinished Business

A) Purchase of Two Portable Stop Signs by Fire Company- Since Mayor Franklin is unable to complete this task for several months, CM Baldauf will purchase the signs at either DB Kreig or the shop on Queen Street. **Motion to approve CM Baldauf purchasing two stop signs up to an expense of \$125 each, since the Fire Department declined to purchase these items. CM Martin/CM Harvey. Motion carried unanimously.**

B) Update on Newsletter: A first draft of the Newsletter was produced and discussed. It was decided that there would be no holiday decorating contest this year. It also was decided that a note related to sidewalk inspection and safety would be beneficial to residents. After corrections, a finished copy of the newsletter may be sent to CM Baldauf for printing and folding. Stuffing and sending can be completed by the Secretary and others available. Postage should be purchased.

C) Update on Moving Voting Polls to Borough Building: no action taken this month.

D) Borough Building Emergency Lighting System: No new actions have been taken this month.

CM Thumma leaves, 9:03 PM

### 9. New Business

A) Secretary/Treasurer Cost Considerations: Secretary Partridge presented information on what portion of the budget has been used and will be used for staffing costs. Because of absence of staff in certain positions for several months, the borough has a cost savings. Administrative Assistant Delp would like to work an average of 16 hours per week when she is appointed to the Secretary/Treasurer position, with the understanding that 20 hours may be needed at times.

B) Consider the following organizational changes

1) Resignations of Sue Barley and Pete Partridge from their current positions as CM and S/T, signed and submitted. **Motion to accept the resignation CM Barley at 9:15pm on October 4th. CP Mundorf/CM Martin. Motion carried unanimously.**

2) Approval of a resolution to appoint Pete Partridge to replace Sue Barley on the Council. **Motion to accept the resignation S/T Partridge at 9:17pm on October 4th. CM Martin/CM Baldauf. Motion carried unanimously. Motion to approve the resolution to reappoint Peter Partridge to council to the same term previously occupied by CM Partridge at 9:18pm on October 4th. CM Baldauf/CM Harvey. Motion carried unanimously.** CM Partridge was given the oath of office by Asst Solicitor Craley. Signatures and ID were collected. Pay should be distributed according to who served in CM capacity each month and pay for the month of October will be apportioned according to service.

3) Appointment of Erica Delp as Secretary/Treasurer at a salary of \$20/hour. **Motion to appoint Erica Delp as S/T by CM Baldauf/CM Partridge Motion carried unanimously.**

4) Appointment of Pete Partridge as Assistant Secretary: **Motion to approve the resolution to appoint Peter Partridge as Assistant Secretary by CM Martin/CM Baldauf. CM Partridge abstained due to a conflict of interest. Motion carried unanimously.**

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C) 2023 Budget Proposal: The 2023 Budget Proposal was distributed to all Council Members. Assistant Secretary Partridge will also send a copy to all council members electronically. The budget summary was discussed. At the budget meeting, the Fire Department equipment coverage will be discussed as well as what the borough pays for the Fire Department insurance. ARPA fund regulations were distributed to reflect the updated ease of requirements. Some suggestions for use of ARPA funds were given such as repair of highways, assisting community organizations. Hoffman homes and Tri Community Ambulance were suggested as considerations to receive a portion of ARPA funding. Millage rates for neighboring municipalities were provided and also average income for Borough residents was obtained from YATB to assist in making decisions on Borough tax rates for 2023. The sewer amortization schedule is available as well showing that the borough will have paid the remaining debt in 10 years or sooner if additional payments are made. It was also discussed that changing source of funding allocation for the Solicitor and Secretary to only being drawn from general fund rather than sewer fund could allow for additional sewer payments to be made. Exact figures can be obtained to aid in decision making at the budget meeting on October 11th.

### 10. Financial Report

A) August Financial Report – Secretary/Treasurer Delp and Assistant Secretary Partridge gave an explanation of transfers between accounts, voided checks, employee pay and traffic signal repair costs.

B) Approval of the August Financial Report- Explanation of voiding Jeff Koon’s check, and former Assistant Treasurer Shaffer’s 2 pay checks. Explanation of signal repair. **Motion to approve the August Financial Report by CM Martin/CM Partridge. Motion carried unanimously.**

C) The 2nd Tranche of the ARPA funds were received.

### 11. Secretary’s Report

A) Correspondence & Phone Calls – A letter was sent to Kathleen Henry, trustee of the Sherwood Forest Development, releasing the Scarlet Drive performance bond.

B) News Items – Secretary/Treasurer Delp is now bonded and authorized to sign checks and have on-line banking privileges.

### 12. Mayor’s Report- No Report

### 13. Police Activity Report: No Update

### 14. Committee Reports

A) Building- none

B) Highway- none

C) Sewer- none

D) Sidewalk- Discussion was conducted regarding the recent sidewalk notifications. Secretary Delp confirmed that none of the sidewalk letters were sent by certified mail. Discussion was had as to what the role of the Zoning and Code Enforcement Officer should be in reviewing the sidewalks and sending notifications. Solicitor Craley verified that the process is that Highway Committee inspects the sidewalks, written notice of violation is then sent to the property owner, disputes go back to the Highway Committee and can be escalated to council if need be. Courtesy notices can come from the Secretary with the clause “If the issue has been resolved please disregard this letter”. Officially a resident has 120 days to make needed corrections but can be extended based on judgement of the council. June 1st was suggested as a deadline for fixing the sidewalks. Discussion was had whether to allow a cut out or patch repair as opposed to replacing the block that is damaged. Current ordinances say that work must be done based on an engineer’s specifications. It was decided to ask the Zoning and Code Enforcement Officer not to send courtesy letters until sidewalk committee has met.

### 15. Around the Table:

A) Secretary Delp noted that the YCBA dinner is forthcoming on November 12th. Council Members and Officials can let her know if they would like to attend. There is also an award for years of service for CM and officials. If any CM or official thinks they may qualify for this award, please tell Secretary Delp.

B) Traffic Signal Plan: A suggested configuration for traffic signal equipment was proposed by Council President Mundorf and had been previously provided to Milts Repair Service in order to prevent vehicles from damaging the signal. It appears that Milts repair has implemented the suggested changes.

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C) Curbs and Crosswalks: Crosswalks have already been painted but the curbs have not been painted. CM Martin proposed that the borough hire someone to paint the curbs. It was discussed that painting the curb near the traffic signal that is often hit could deter collisions if the curb is more visible. There was some discussion of flexible barriers assisting as well in prevention of accidents as well. It was discussed that Spring Grove could be asked to paint. Assistant Secretary Partridge will contact Spring Grove Public Works to get a quote and bring the figure for discussion at the next council meeting.

16. **Meeting Adjourned 10:02 pm**

**Respectfully submitted:**  
**Erica Delp, Secretary/Treasurer**