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MINUTES OF THE NEW SALEM BOROUGH COUNCIL MEETING

November 1, 2022

The New Salem Borough Council met in regular session on Tuesday November 1, 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
William Baldauf, Vice President

Kim E. Martin, President pro tem

Sue Ann Becker

Peter E. Partridge
Harvey E. Thumma Jr. (departs at 9:07 pm)
Cecilia Harvey

BOROUGH OFFICIALS PRESENT:

Erica Delp, Secretary/Treasurer (online)
David Lipinski, Borough Engineer

Jeff Koons, Zoning & Code Enforcement Officer

D. Michael Craley, Solicitor

Samantha Craley, Assistant Solicitor

OTHERS PRESENT:

Tobin O'Connor
Fire Chief James Pierce

Jay Kuhn

BOROUGH COUNCIL ABSENT:

BOROUGH OFFICIALS ABSENT:

Ron Franklin, Mayor
Mike Hammers, Building Codes Officer

Note the following Abbreviations:

“CM” = “Councilmember”

“S/T” = “Secretary/Treasurer”

“AA” = “Administrative Assistant”

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

“CP” = “ Council President”

“Engr.” = “Engineer”

“Sol.” = “Solicitor”

1. Public Comment

A) Tobin O'Connor: 122 S. Main St. Repairs

1) An estimate had previously been submitted to the borough from Michael Olinger Paving and Sealcoating, another estimate from James Wells III Inc. was brought by Mr. O'Connor to review as well. Resident O'Connor expressed that he'd like to get the work done before winter. On the Estimate from James Wells III, Inc. it was clarified that the first price is for repairing sewer line damage, the second price is for aesthetically repairing the sidewalk and driveway. Engineer Lipinski reviewed the quote from James Wells III, Inc. and found the plan to be suitable. It was clarified that the Borough would be responsible for item number one given in the quote, as item number two is not the Borough's responsibility but rather the resident's responsibility. This was agreeable to Mr. O'Connor. It was stated that the invoice from the contractor should come directly to the Borough for payment, rather than the Borough reimbursing the property owner, as this is more suitable for record keeping pertaining to audits. **Motion by CM Partridge/CM Martin to accept the proposal from James Wells III, Inc. to carry out the repair work to the sewer and surrounding areas described in item number one of his estimate for \$5,200.00. Motion carried unanimously.**

2) Tobin O'Connor would like to serve as an alternate on the zoning board for the term that expires in August of 2024. Sol. Craley indicated that a resolution will be able to be done tonight if there were no objections. None

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were noted. This appointment would be fulfilling the term that expires on August 31st, 2024. **Motion by CM Martin/CM Becker to accept Tobin O'Connor's nomination as the alternate to the zoning board fulfilling the term that expires 8/31/2024 and to approve the resolution to do so. Motion carried unanimously.** It was noted that Mr. O'Connor would be called upon to serve during zoning cases where there is a conflict of interest. It was requested that Assistant Secretary Partridge and Secretary Delp provide Mr. O'Connor with a PA Statement of Financial Interest form to fill out and provide to the Borough for review and retention.

B) Jay Kuhn Boy Scout Troop 97: St. Jacobs Lutheran, St. Jacobs UCC cemetery will soon be conducting the Wreaths Across America program to honor fallen service members. They are seeking donations for the wreaths and representation from the community on Dec. 17th when the wreaths are placed. Donations can be submitted to Jake directly by making checks to Wreaths Across America, or through the St. Jacobs Union Cemetery directly. Jay can be contacted at 717-855-0775. It was suggested that the Lion's Club may be interested in helping support this endeavor.

C) Fire Chief Pierce:

1) The invoice totaling approximately \$41,000 for 11 sets of gear have been received, gear looks good, fire fighters have improved safety. The invoice hasn't been paid yet. The fire department requested that the council review their previously stated commitments regarding the cost of the equipment and communicate with the fire company as to what the Borough will contribute. General discussion indicated that the amount of reimbursement that was approved last year may have been \$22,500.00, but this needs to be verified in past meeting minutes or records before issuing the contribution.

2) Act 91: A description of PA Act 91 was provided that will be voted on later this year by the legislature. The guidelines were provided for how the tax credit will be applied to volunteer fire fighters. According to Fire Chief Pierce, it is anticipated that at the county level this tax credit will be approved and applied. This act was created to aid in retention, rather than to recruit new volunteer firefighters. Retention prevents volunteer fire companies closing and paid fire companies, which are a greater cost to municipalities, replacing them. Many other municipalities will be reviewing this act as well. Currently, there is one individual residing in the borough that serves at York New Salem Fire Company that would receive it and two others that reside in the borough that serve at North Codorus Fire Company who could receive it. It was asked when this tax credit would need to be implemented. It was projected that next year in January and February would be a good target because that is when the county level tax credit will be implemented. The credit is for both earned income tax and real estate property tax. The regulations state that it must be done before the tax assessments are done.

3) A recent change in the law is that the junior program allows more responsibilities to be given to 17-year-old juniors to aid in achieving certifications sooner.

3) Christmas Fundraisers: Events in the borough with Santa will be on Dec. 10th 4:30pm Dec. 17th 8-10:30am.

4) EMS Service: Tri Community Ambulance is likely closing by the end of the year because they are currently running on two-week schedules right now. Other services in the area have also released EMTs or reduced services. There has been some discussion and planning about merging services and offering EMS services through the York New Salem Fire Company facility. This may also be financially beneficial for the York New Salem Fire Company. Decision will be made soon about EMS service once Tri Community Ambulance closes and updates will be brought before the council when they are available.

2. Z&CEO's Report

A) Permits issued in October:

1) Jeremy Pritchett 2005 Marian Way for a pool fence

B) Enforcement actions taken:

1) NOV Timothy Freyman 105 W. George Street: mailed 12/7/21 regarding junk

a. Actions: DJ hearing was scheduled for 3/3/22. Hearing has been delayed, paperwork was never served, I gave the street address to DJ office and paid fee for constable delivery on 3/3/22. Case had been dismissed 3/24/22, Refiled 5/27/22 and has been served. CV-0000014-2022, Judgement has been awarded.

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b. Updates: No new updates, violation remains because the junk hasn't been removed. Sol. Craley will review this case and consider actions to be taken. It was confirmed that no legal notices have been received by mail.

2) NOV Ramous Lopez, 51 N Main Street: mailed 9/12/22 to for permit violation for fence and pool

a. Actions: due to no response Z&CEO Koons has filed complaint on 10/14/22

b. Updates: There is a proposed hearing for Nov. 17th at 9AM

3) Diaz 301 N Main Street:

a. Actions: A complaint was filed, and Diaz entered defense. Discussions were had with Attorney Herrald, representing Mr. Diaz on October 4th.

b. Updates: The Borough is expecting to receive a zoning hearing application because Attorney Herrald asked for a zoning hearing application. A zoning hearing form needs to be located and provided to Mr. Diaz. The Secretary can recreate one if need be with guidance from the solicitor. The deadline has been extended until 11/7/22 due to Attorney Herrald encountering illness.

4) NOV Timothy Freyman 105 W. George Street & Matthew Franklin at 85 W. George Street: NOV was mailed 10/5/22 for weeds at drainage ditch.

a. Updates: property is now compliant.

C) Other Topics

1) 30 S. Main Street Vegetation Violations: Tyke has made a proposal for 30 S. Main St. vegetation removal. Tyke expressed it's difficult to give a quote because of the scope of work required to get the property compliant, however it could be as much as \$1,200.00 to \$1,500.00. It was suggested that cutting the vines at the base might be a proper mitigation as spraying the vines won't be beneficial until the spring. Sol. Craley will contact the lawyer of the property owners about the problems prior to having Tyke complete the work.

3. BCO's Report-

A) Z&CEO Koons reported on behalf of BCO that People's bank may plan to change their entrance which may require permits. More information is needed followed by review of the plans.

4. Engineer's Report

A) Sunoco Station ADA Ramps – There is no new information, all pending action items are the responsibility of PennDot.

B) Fire Company Signal – No updates are available from a deed searches or other sources. A survey should be conducted, which will be the responsibility of the fire company.

C) Sanitary & Storm Sewer Inspections – A recommendation for repairs and cost estimate is still needed. Engineer Lipinski is working on a list based on as-built drawings. He currently has reviewed 70 % of footage. Certain other locations on video footage have revealed other potentially sagging pipes, though none as severe as manhole 71 in the front of the Borough Building.

D) Ground Depressions at 122 S. Main Street- covered in public comment.

E) Depression in front of Borough Bldg, 80 North Water St.- Manholes 71 and 72 were reviewed. The manhole in front of the building had sunk 5-6 inches and the contents of the pipe below aren't moving well. The blacktop surface has also washed away. Contractors were contacted and it was discussed that the manhole needs to be reset and a new pipe put in while the sewer system is temporarily diverted. There was some discussion if there are underground springs effecting the area. One time York Water Company was observed draining water from a dead-end line. After discussion it was determined this was likely a part of regular annual maintenance. There was a recommendation for more analysis of the damaged area. Engineer Lipinski also suggested that getting bids in the fall is recommended for work in spring. There were questions as to whether the area can endure a winter season used regularly. It was recommended that cones be placed there to keep traffic off the damaged area until repairs are made. Steel plates were suggested as a mitigation as well. It was agreed that a 5x5 steel plate will be

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installed if possible. Since sagging was found elsewhere, it was suggested that other repairs could be made simultaneously to save on the cost of bringing a structural foam truck out. Engineer Lipinski stated that videos don't always reveal if there are corresponding ground settlements adjacent to the manholes. A walkthrough would need to be done to determine if there is damage or ground settlement in other locations.

F) Drainage culvert and new driveway at 85 W. George St.- It was found that a drainage ditch had been filled in with dirt and debris, possibly during a construction project. A PennDot permit is required to alter drainage areas and access roads, so Z&CEO Koons advised the property owner that PennDot is the correct entity to contact for a permit to make these types of alterations. It was suggested that Matthew Franklin should be contacted directly regarding the issue since Mayor Franklin is now not able to be a point of contact regarding this issue.

G) Surveys of Palmer Ave and Scarlet Drive in preparation for adoption – Kathy Henry was contacted about adoption of Scarlet Drive. It was suggested that subdivision plans from the courthouse can be used for Palmer Avenue. Legal descriptions likely can be created from plans acquired from North Codorus Township or from Sherwood Forest II Phase 1 descriptions and can be acquired from the recorder of deeds office. There was a question about if there are sidewalk requirements? It was discussed and concurred that generally, this only applies to new construction. If it's a part of the subdivision, it is at the discretion of the council to make sidewalk and curb requirements for old sections of streets and roads. Oct 16th, 2013 recorder of deeds office was the date Phase 1 was recorded.

H) Storm Drains on the N. Main Street: Seth Grove's office was contacted. A project contact will review the problems in this area this Thursday at 1pm. Several members of council will be present to learn of the issues. If it is an inlet problem, PennDot will take care of it. If it is a "box" problem, the borough is responsible.

5. Approval of Council Meeting Minutes from October 4th and October 11th: **Motion by CM Thumma/CM Becker to accept the minutes as they were given in the meeting packet. Motion carried unanimously.**

6. Solicitor's Report

A) Sewer Arrearages: Solicitor Craley indicated that he inadvertently mentioned that Gregg Poff was in arrearages in a prior meeting. It was clarified that he has never been in arrearage and the statement made in a prior meeting was incorrect and caused by reading the wrong line from a report. Past minutes were accurate, so the minutes won't be corrected from August but rather the correction noted in the November council meeting minutes. The Borough regrets this error and apologizes to Mr. Poff.

B) Shut Offs for Freyman, and Kathy and Gerald Myers (Smith Hill Rd): There are no new updates as there was no appeal. Solicitor Craley is still waiting on a response from Vernon Bracey regarding a shut off agreement.

C) Adoption of Palmer Ave and Scarlet Drive – Much of this topic was discussed in the Engineer's report. Concerns about sidewalks, street width and curbs were raised. When an ordinance is made, it can be noted that new sidewalks and curbs or other improvements won't be required at this time.

7. Unfinished Business

A) Purchase of Two Portable Stop Signs for Borough use – CM Baldauf looked into the purchase of signs and found that the pricing is closer to 150.00 per sign. An approval of a new allowance is needed. The store advised buying a sign that is 30 inches large so that it meets most local ordinances and codes, and no one misses it due to it being too small. It was asked who would be responsible to manage putting out signs. It was stated that the sign would be placed either on the sidewalk or at the corner. It was generally agreed that would be either the mayor or a safety official. Discussion also was had indicating that CR Lloyd recently borrowed key to the traffic signal control box, but they haven't been returned yet. CP Mundorf will contact CR Lloyd to ask if it has been returned. Our tax exemption form was requested by CM Baldauf for the purchase and will be provided by the Secretary or Assistant Secretary. **Motion by CM Thumma/CM Harvey to approve an expenditure not to exceed \$350.00, including \$150.00 per sign and also 2 safety cones. Motion carried unanimously.**

B) Update on Moving Voting Polls to Borough Building – CM Becker contacted the UCC church, it is available because daycare can be cancelled for the day in order to allow for voting. CM Mundorf would like to view the

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room and parking. It was discussed that there is a large room, dual entry, an elevator and ample parking. The question was asked if there needs to be compensation offered for holding voting. It was concurred that the facility donates the use of their space rather than billing for use of the space. It was suggested that the borough building might benefit from an exit roadway, making the Borough Building an option for voting. General consensus was that two-way traffic was not beneficial at this time.

C) Borough Bldg Emergency Lighting System: CM Thumma is hoping to have estimates by next month.

D) Update on Diamond Maps GIS Software: CM Partridge reported that we are enrolled in a free trial. A map is available for viewing in the meeting packet. It was discussed that it could be used for zoning, sewer and any other useful notations. The system has the capability to map different data sets so that the information is convenient to use. It also can contain traffic signal, stop signs and other useful information. It was asked if it could be exported as an XML or JSON file. CM Partridge will inquire about this and if there are data limitations. Cost for a single user is \$20 per month. Unlimited users would be \$22 because of the Borough's small population size. User privileges can be set. Diamond will import data at the time of set up. It can also be downloaded on a mobile device and used without an internet connection. **Motion by CM Martin/CM Thumma to try the Diamond GIS product under the unlimited users enrollment at \$22 per month. Motion carried unanimously.**

E) Update on Security Intercom: There are 3 options

- 1) Place a sign on the door indicating that a visitor can call Borough number for entry, stating their name and business.
- 2) Wireless intercoms are \$50-200.00. They run on battery and have poor ratings for quality.
- 3) Markle wired industrial grade intercom \$1,125.00. It is reliable, but costly and potentially challenging to install.
- 4) It was generally concurred that signs on the door would suffice for now.

8. New Business

A) Consideration of Snow Removal Quotes: Of the three RFQs sent out, Rudacille's Lawn and Landscaping and Hersh Concepts, LLC were the only two contractors to submit quotes. **Motion by CM Martin/CM Baldauf to approve the snow removal services quote from Hersh Concepts, LLC. for the 2022/2023 winter season. Motion carried unanimously.**

B) Budget meeting follow up discussion:

- 1) The previously unidentified deposit was identified as a York County property transfer tax.
- 2) Engineering costs have been broken down for review to see what we were billed for. It was discussed that a lot of time is being spent on the fire company crossing signal. It was requested that the secretary let the engineer know that any further work done on the signal or land surveys would need to be at the expense of the Fire Company. The costs for Sunoco engineering services will hopefully be recouped per the agreement with the Borough. It was suggested that things outside the scope of a normal budget year could be handled in an emergency fund or sewer related work billed to the sewer. It was concurred the \$15,000.00 is a more appropriate projection for engineering costs.
- 3) For emergency services line item, the phrase "volunteer" should be removed and a generic name rather than "tri community" should be used so that the funding may be given to a service of the Borough's choosing.
- 4) It was clarified that the solicitor would continue to bill both sewer and general fund and secretary costs would come from just the general fund.

Harvey Thumma departs 9:07 pm

5) Saving money for sewer inspection every 5 years: An item has been added to the chart showing how much the account balance should be each year to factor saving money toward costs of five-year inspections. A note has been included to plan for this projection and to adjust for inflation.

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6) New Salem Borough Tax Analysis: Property values haven't been reassessed since 2004. That assessment became effective in 2006. On a year of a reassessment, municipalities are prohibited from collecting more than 10% more revenue than what has been collected in a previous year. Raising the mileage rate incrementally might be a good way to subsidize costs of projects and increased fees. There was further discussion that raising the millage in a year when cost of living has significantly increased may not be prudent. Projected carry over shows a surplus.

CP Mundorf disclosed a conflict of interest in voting on millage due to the fact that his spouse is the tax collector, and there are impacts to their household income. He will abstain from voting.

Motion by CM Martin/CM Becker to leave the millage the same and accept the draft budget proposal with a \$15,000.00 projected expense to the engineer line item. Motion carried unanimously with the exception of CP Mundorf.

9. Financial Report

A) Discussion of September Financial Report

B) Consider approving September Financial Report: **Motion by CM Partridge/CM Baldauf to approve the September financial reports. Motion carried unanimously.**

10. Secretary's Report

A) News Items:

1. NSB 2020 and 2021 files have been given to the auditor for review, hopefully with results available this month.
2. Progress was made with mastering QuickBooks tasks.
3. All Quarterly withholding tax submissions and reports have been completed and submitted.

11. Mayor's Report – Mayor Franklin is recovering well from his heart surgery and there is a get-well card available to sign.

12. Police Activity Report- July 1st-September 30th

A) There were two crashes that happened in the Borough. One was in August and one in September. Both were non-reportable.

B) There was one citation, emerging from an alley, driveway or building probably improperly.

C) There were four criminal investigations and one arrest. Two of these were assaults; one being a harassment and the other being a simple assault consisting of two crimes against a person. There was one crime against property which was criminal mischief. There was crime against society, which was a nuisance for disorderly conduct.

D) Not listed on the police report was one fatal accident last week involving a motorcycle that hit a tree near Sherwood Inn.

13. Committee Reports

A) Building – CM Thumma reviewed the state of the borough building and what needed to be fixed. He is getting someone to review the electrical lighting.

B) Highway - none

C) Sewer - none

D) Sidewalk - none

14. Around the Table - none

15. Adjourn – at 9:57 pm