

APPROVED (1/3/23)

MINUTES OF THE NEW SALEM BOROUGH COUNCIL MEETING

December 6, 2022, at 80 N. Water Street, York New Salem PA

The New Salem Borough Council met in regular session on Tuesday December 6, 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
Sue Ann Becker
Peter E. Partridge
Harvey E. Thumma Jr. (departs at 9:07 pm)

BOROUGH OFFICIALS PRESENT:

Erica Delp, Secretary/Treasurer
David Lipinski, Borough Engineer
Jeff Koons, Z&CE Officer
D. Michael Craley, Solicitor
Samantha Craley, Assistant Solicitor
Mike Hammers, Building Codes Officer

OTHERS PRESENT:

BOROUGH COUNCIL ABSENT:

William Baldauf, Vice President
Cecilia Harvey

BOROUGH OFFICIALS ABSENT:

Ron Franklin, Mayor

Note the following Abbreviations: CM = Councilmember CP = Council President
S/T = "Secretary/Treasurer" Engr. = Engineer
Z&CEO = Zoning and Code Enforcement Officer Sol. = Solicitor

1. Public Comment – None

2. Z&CEO's Report

A. Permits issued in November: One Building Permit was issued, BP-11302022-001 to Joe Shubert 207 N Main St Electrical cable and meter replacement

B: Enforcement Actions Taken:

1. NOV mailed 12/7/21 to Timothy Freyman 105 W. George Street regarding junk. A DJ hearing was scheduled for 3/3/22. The hearing has been delayed and paperwork was never served. The Z&CEO gave the street address to DJ office and paid fee for constable delivery on 3/3/22. The case had been dismissed as of 3/24/22, refiled 5/27/22 and has been served. CV-0000014-2022, Judgement has been awarded. No new updates, violation remains.
2. NOV mailed 9/12/22 to Ramous Lopez, 51 N Main Street for permit violation for fence and pool. Due to no response, a complaint was filed on 10/14/22. There was a proposed hearing for 11/17/22 at 9AM. The complaint was non-deliverable. Z&CEO paid for constable service, and it has been delivered. There is a hearing scheduled for 12/15/22 at 9AM.
3. 301 N Main Street (Diaz) a complaint filed, Diaz entered defense. A discussion was had with Attorney Herrald on 10/4/22. Planning Commission for Hearing met 12/1/22, Zoning Hearing is 12/20/22. The Planning Commission meeting was discussed because the borough council has statutory standing at the hearing. It was stated that credibility of the applicant is a continued concern because it is uncertain if the applicant will follow the ordinances placed upon him or not. Concerns about metal collection and junk continue. Z&CEO was contacted by applicant on Friday regarding ordinances relating to accessory buildings and fencing. The topic of what type of vehicle work was done in the past came up. There remains a lack of understanding about what type of work the applicant intends to do on the premises and has done in the past. A defined business plan from the applicant would be desirable for the

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upcoming Zoning Hearing meeting. The question arose regarding what recourse the applicant may have if the result of the Zoning Hearing was a denial. It was indicated that if the request was denied, the applicant has two choices, he can appeal the decision in court or he can reapply with a different plan. It was asked if the special exception can correct the matters of non-compliance? It was indicated that they are separate matters and violations can be enforced any time there is an ordinance violation. Granting an exception allows for clear standards to be defined and enforced. Mr. Diaz can continue to consult the published ordinances and also communicate with the Z&CEO for clarification when needed. The council sought clarity in the application regarding ownership of the business and residency of the applicant. It was determined that further information was needed on those two matters. The Borough discussed authorizing Solicitor Craley to represent the Borough in the upcoming Zoning Hearing.

Motion by CM Thumma/CM Partridge to authorize Solicitor Craley to represent New Salem Borough at the upcoming Zoning Hearing on 12/20/22. Motion carried unanimously.

4. Property at 85 W. George Street for parking pad, and storm water swale discussion. NOV sent nearly 30 days ago. They are working on the occupancy permit with PennDOT. Neither Matthew nor Ron Franklin could attend the meeting to speak about the swale, but they shared in prior conversation that there is not water in the swale on a regular basis. The counter point was made that in the event of flooding, water flow patterns may not reflect what is observable on a regular basis. It was concurred that clean up, inspection and returning the swale to the original state is needed. Eng. Lipinski noted that PennDOT viewed it prior to the fill in and they were willing to correct it up to 50 feet from the road. Solicitor Craley indicated that changing the natural flow of water is not permitted due to impacts it can create in the neighborhood and on the roadways. The safety of the street is the Borough's primary responsibility, and it can be monitored after a heavy rain. It was agreed that Solicitor Craley would review the previous NOV and that PennDOT could be notified by the Z&CEO regarding the matter.

3. BCO's Report

A. Permits Issued: Ed Mundorf for a deck, one for a Pool Fence, and Joe Shubert for Emergency Electrical Service Replacement.

B. Mail was received from Commonwealth with offer to be our inspection agency. The BCO gave a recommendation to remain with MDIA since there were no distinct advantage to changing inspection services and he is happy with MDIA.

4. Engineer's Report

A. Sunoco Station ADA Ramps – The engineer spoke with property owner. As soon as highway occupancy permit is issued, it will be sent along with the approved plans. The property owner has been in contact with contractors and is anticipating work to begin after April 15th, as that date coincides with the PennDOT cut off.

B. Fire Company Signal – The Fire Company has authorized the survey cost and is proceeding with J.R. Holley to conduct a survey and a legal description. There was discussion as to whether the signal is needed or wanted still. Modifications to the deeds and consolidation will need to take place most likely as a subsequent task all paid for by the Fire Company. The survey will take place in coming weeks.

C. Sanitary & Storm Sewer Inspections – Engineer Lipinski reviewed the videos provided by Mr. Rehab, and findings were provided to the council members for review. A walkabout was suggested to determine the scope of the work that may need to be done because of settlement in the sewer lines. Developing a report of the findings may benefit the Borough for use planning stages of repairs if any are needed. It was asked if it is common to have degrading and settlement in the ground areas surrounding a sewer system. Engineer Lipinski stated that it is seen occasionally. Structural foam was suggested as a mitigation previously, but costs are unpredictable, and work completed could come in either under or over projected cost. The foam is ninety-nine percent impermeable once it sets up which takes approximately ten minutes. When injected, however, it will continue to flow until the vacant spaces are filled. The composition of ground surface can

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impact how well the foam works and if it flows for longer than projected which increases costs as it uses a greater amount of material. If information can be collected this winter regarding affected areas of the system, repairs can begin in the summer. Mismatched manhole numbers continue to be a complication. Engineer Lipinski provided a key to the manhole numbering system. It was generally agreed that the Borough would desire one that could be used easily by all and that matched Spring Grove Borough's numbering system if Mr. Rehab is able to do so. A conversion table or a map key could be maintained if necessary. Diamond GIS mapping system could be used in this capacity, and it will be investigated if Spring Grove is able to give their data for uploading into the New Salem Borough account for multiple users. It was also discovered that some lines were either not televised or not provided by Mr. Rehab. It was indicated that it would be desirable to determine if Engineer Lipinski could work directly with Mr. Rehab. The purpose of the recording inspection was to check for obstructions and improper infiltration. A triage and prioritization plan for addressing issues discovered can now be developed. Manholes number 108 had a sixty to seventy percent submergence, 109 had a 40 percent submergence. No infiltration and inflow was noted and no tree roots were observed. Low flush devices now contribute to less clearing and natural scouring of the pipes. Less flow in the pipes causes solids to sink and stick to the bottom of the pipe. Cleaning and flushing occur before televising. Videos at 74 N. Main and 122 S. Main have already been reviewed. A consolidated report indicating where problems have been observed would be useful. **Motion by CM Partridge/CM Thumma to allow Engineer Lipinski to complete the mapping of the system and provide prioritization of repairs. Motion carried unanimously.**

D. Ground Depressions at 122 S. Main Street – Work appears to have been completed, however no bill has been received by New Salem Borough yet. The Secretary will request one from the property owner.

E. Depression in front of Borough Bldg, 80 North Water St.- Cones have been placed, however, no steel plate has been installed. It was generally concurred that the cones were sufficient until repairs are made.

F. Drainage culvert and new driveway at 85 W. George St. - Discussed in Z&CEO's report.

G. Surveys of Palmer Ave and Scarlet Drive in preparation for adoption – Subdivision plans were used to create a description. It was found by viewing the liquid fuels list that North Codorus may not have adopted the areas up to the New Salem Borough boundaries. The survey indicated that there is a large distance between the boundary and what was on the liquid fuels list. Sherwood Forest Phase 2A including Marion Way, King Richard's Court and Scarlett Drive were discussed and it was confirmed that the maps in the ordinances were accurate. It was concurred that the Borough should advertise Palmer Avenue and Scarlett Drive simultaneously since this will reduce advertising costs and liquid Fuels is not a consideration because the submission date has passed for affecting 2023's allotment. Approval in January for adoption is February is recommended. An Auto Cad drawing of the sewer system is in the possession of JR. Holley and Engineer Lipinski will look into making a copy available to the Borough so that a large map could be placed on the wall in the Borough Building. It could be provided electronically to the Borough to be printed.

H. Ground depression at 74 N. Main (Dave Willis property): After comparing information, it appears that manholes in the photographs are numbers 39-40 according to Spring Grove numbering system. Videos of those manholes were not provided by Mr. Rehab. The photos of the exposed pipes are not sanitary sewer lines due to 90-degree angles, which are not standard practice for sewer systems. They could be storm water runoff pipes. The investigation would focus on the manholes in the property and Mr. rehab will be contacted regarding video footage.

I. Solution for Street Drains – Discussion was had regarding the proposed solution provided by PennDOT and what would be the responsibility of the Borough. Anything related to the boxes would likely be charged to the Borough. No pricing was given at this time. It was agreed that communication can proceed from Engineer Lipinski to ask for a cost estimate. The estimated cost was projected to be \$5 to \$10 thousand potentially but confirmation is needed. Traffic control would be needed during the repair process.

5. Approval of Council Meeting Minutes from November 1st – **Motion by CM Thumma and/CM Partridge to accept the minutes. Motion carried unanimously.**

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6. Solicitor's Report –

- A. A brief discussion was had with meeting attenders regarding the legal process of video recording a public meeting. There also was some discussion about tax notifications and payments. It was concurred that further discussion needed to be directed to the Tax Collector.
- B. Sewer Arrearages: Becky Magnani has resigned at Spring Grove Borough and a new point of contact is needed there. That will be ascertained by CM Partridge when he meets with the new Spring Grove Borough manager on Thursday.
- C. Adoption of Palmer Ave and Scarlet Drive – covered during the Engineer's report
- D. Payment of work completed by Tyke and Passed on to Property Owners – It was concluded that information regarding the uncollected fees would be given to Solicitor Craley for liens or next steps to occur.

7. Unfinished Business

- A. Purchase of Two Portable Stop Signs for Borough use – Stands have been purchased to support stop signs recovered from the storage room. They are available and in the absence of the mayor, the acting mayor can place the stop signs out. It was discussed that when there is a need, CR Lloyd, the safety official, might be alerted and could contact Mayor Franklin or CP Mundorf to coordinate this effort. The fire company may also know if there is an outage if they get a call for fire police or a 911 call. The key to the box has now been returned. It was suggested that emergency contact information can be given to businesses on the square in case the traffic light has an outage.
- B. Update on Moving Voting Polls to Borough Building – CM Becker volunteered to take care of this item.
- C. Borough Bldg. Emergency Lighting System – CM Thumma requires a key and access in the next two weeks to allow progress on this task.
- D. 2023 Budget – **Motion by CM Martin/CM Becker to approve the budget as presented. Motion carried unanimously. Motion by CM Thumma/CM Partridge to approve a resolution to keep the tax millage rate at 1.5. Motion carried unanimously.** There was discussion regarding mobile home taxation and waivers of additional charges. **Motion to CM Thumma/CM Partridge to adopt Act 57 resolution. Motion carried unanimously.**

8. New Business

- A. Discussion of Fire Tax Credit – Solicitor Craley was asked to provide what Shrewsbury municipality has done in relation to the tax credit for discussion at next month's meeting. For further information he recommended a good article in the Borough News about Shrewsbury working with the school districts to approve the tax credit. Even with max amount given to the firefighters there was not a large impact on revenue in the municipality. Giving additional contributions to the fire company to provide incentives to their fire fighters who serve in the departments was also discussed as an option as well.
- B. Approve the Auditor for 2022 and Authorization to Sign the Letter of Engagement – A resolution will be brought to the January meeting and topic tabled until then.
- C. Charitable contributions – Windy Hill, Glatfelter Memorial Library, Emergency Services were discussed as options. It was recommended to hold emergency services contribution until it is determined who will replace Tri Community Ambulance. **Motion by CM Partridge/CM Becker to approve sending checks for the budgeted amounts to the organizations discussed. Motion carried unanimously.**
- D. Crosswalk and Curb Painting- Jeff Sutton Painting quoted \$850.00 for the painting job. A statement of work should be developed and provided to Mr. Sutton. CM Martin will provide it and if it is agreeable to Mr. Sutton, he will be selected to complete the work. **Motion by CM Martin/CM Becker to approve the Sutton quote contingent on him accepting the statement of work at his quoted price and weather permitting. Motion carried unanimously.**
- E. Approve Signing the SPCA Contract – **Motion by CM Martin/CM Becker to approve SPCA at cost indicated in the contract. Motion carried unanimously.**

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F. Approve Dates and Advertising of 2023 Meeting Schedule – **Motion by CM Thumma/CM Partridge to accept the 2023 meeting dates and to advertise them at least 7 days prior to Jan 3rd. Motion carried unanimously.**

G. Division of Labor between Secretary/Treasurer and Assistant Secretary – Secretary Delp has informed the Borough about a change in her weekly availability. Due to this change, Assistant Secretary Partridge will change the office hours from 9am-1pm to 9am-12pm and be present during these hours. It was confirmed that compensation for an Assistant Secretary is not possible for those occupying a council position. Ms. Delp will continue to serve in the capacity of Treasurer and transcribe council meeting minutes. We will see how this arrangement works going forward and suggest changes if necessary.

CM Thumma departs at 9:15pm.

9. Financial Report

A. Discussion of October Financial Report – Consistency checks were discussed.

B. Consider approving October Financial Report – **Motion by CM Partridge/CM Martin to approve the October Financial Report. Motion carried unanimously.**

10. Secretary's Report

A. Correspondence and Phone Calls – Act 41 & Bulk Challenge Process was reported on. Also, the signing of CAD Admin changes for Fire Company has been completed. There was some discussion if President Mundorf may need to sign the document. It was decided that, if requested by the Fire Company, it would be given to CP Mundorf. It was discussed that there are ongoing negotiations for Wellspan to occupy the Tri Community Ambulance building.

B. News Items – The Audit is ongoing with results estimated to be completed by mid-December. The fire equipment payment has been sent to the equipment company. Also, the fire insurance premium schedule has changed, and the Borough will need to pay next year's premium by December 31, 2022, which impacts the 2022 budget. **Motion by CM Martin/CM Becker to pay the first half of insurance for 2023 in 2022. Motion carried unanimously.**

11. Mayor's Report – none, the Mayor is planning to resume attendance in January

12. Police Activity Report – no update

13. Committee Reports

- a. Building – no report
- b. Highway – no report
- c. Sewer – no report
- d. Sidewalk – no report

14. Around the Table – no comment

15. Adjourn – meeting was adjourned at 9:46pm.