

APPROVED 2/7/23

MINUTES OF THE NEW SALEM BOROUGH COUNCIL MEETING

January 3, 2023, at 80 N. Water Street, York New Salem PA

The New Salem Borough Council met in regular session on Tuesday, January 3, 2023. The meeting was called to order at 7:00 pm by Vice President Baldauf who led those in attendance with the Pledge of Allegiance to the Flag.

BOROUGH COUNCIL PRESENT:

William Baldauf, Vice President
Kim E. Martin, President pro tem
Sue Ann Becker
Peter E. Partridge
Harvey E. Thumma Jr.

BOROUGH OFFICIALS PRESENT:

Erica Delp, Secretary/Treasurer
David Lipinski, Borough Engineer
Jeff Koons, Zoning & Code Enforcement Officer
D. Michael Craley, Solicitor
Samantha Craley, Assistant Solicitor
Mike Hammers, Building Codes Officer
Ron Franklin, Mayor

OTHERS PRESENT:

George Donavos

BOROUGH COUNCIL ABSENT:

Edward R. Mundorf, President
Cecilia Harvey

BOROUGH OFFICIALS ABSENT:

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 – Mr. George Donavos of 3131 King Richards Ct S is considering serving on council should the opportunity present itself. CM Thumma stated he may need to resign due to unforeseen hardships. If there is a vacancy, the council has 30 days to fill the vacancy. Candidates need to have lived in the borough for 1 year and also be a registered voter. Mr. Donavos indicated he met the criteria. It was also suggested that there is a potential vacancy on the planning commission. Further conversation determined that it may be beneficial to wait until there is an opening on the council.
2. Z&CEO's Report
 - A. No Permits issued in December
 - 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 was delayed and paperwork was never served. Z&CEO gave the street address to the DJ office and paid fee for constable delivery on 3/3/22. The case had been dismissed 3/24/22 and refiled 5/27/22 and has been served. CV-0000014-2022, Judgement has been awarded. No new updates, violation remains. There are no changes.
 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 10/14/22, there was a proposed hearing for Nov 17 at 9AM. The complaint was non-deliverable and Z&CEO paid for constable service. It has been delivered and the hearing scheduled for 12/15/22 at 9AM was rescheduled for 1/12/23 at 9AM. It was indicated that some of the schedule changes had occurred due to inclement weather.
 3. 301 N Main St., (Diaz) A complaint was filed and Diaz entered defense. A discussion was had with his representative, attorney Herrold on 10/4/22/. The Planning Commission for hearing was on 12/1/22. The Zoning hearing was 12/20/22. The result of the Zoning Hearing was that the application was denied. The Zoning Hearing Board has 45 days after the hearing to render written decision. After decision is rendered, Mr. Diaz has 30 days to file an appeal with the court. If an appeal is filed, the Council may choose to approve Solicitor Craley to serve as legal representation for New Salem Borough. This process will continue to be monitored so that deadlines are

APPROVED 2/7/23

met in a timely fashion. It can vary within municipalities who will be the person who drafts and sends the written decision. An appeal consists of a review of the record. February 3rd is the date that the written decision must be sent.

4. Property at 85 W. George St. for parking pad, PennDOT Highway Occupancy Permit (HOP) and stormwater swale discussion. Z&CEO stated he viewed the area in question on several occasions and also Asst. Sec. Partridge took photos of the area. It was indicated that no flooding issues on the road had been observed yet. After communicating with PennDOT, the PennDOT official indicated the swale needed to be brought to normal or a pipe put in. Mayor Franklin indicated only a foot of dirt was put in, not enough to stop it from dissipating. It was concurred that as long as it is not causing flooding on the road, that repairs aren't needed. It was reviewed that the law states that the velocity or the veracity of water flow may not be altered. If this is not a problem, no further discussion or action is needed. All concurred that this was acceptable. Mayor Franklin requested that parking pad regulation information be sent to him at his P.O. Box address. It was suggested that the address spreadsheet for the borough can be acquired from the tax collector.

5. NOV mailed 12/8/22 to Kunkel at 341 N Main for new construction. Z&CEO was expecting compliance by 12/27/22. Mr. Campbell called 12/22/22 and said he would drop off the application. It has not yet been received.

6. Fee Schedule: A new sample fee schedule is included in the packet for review, extracting the MDIA fees from the fee schedule for ease of use and updating. The MDIA fee schedule can now be posted to the website and updated annually when they update it. The zoning hearing fee has been \$500.00 for many years. Expenses for this type of hearing typically exceed this. It is permissible by law to include the advertising costs, appearance fees, administrative overhead connected with the hearing and compensation for the secretary and zoning hearing board. (24:26) It is specified in the NPC Sec 908 1.1. It does not include solicitor fees. The Appellant can acquire a transcript at their own cost. Increasing to \$700 or \$750 was suggested. The figures of the recent hearing should be acquired prior to the February meeting for estimation purposes. It was discussed that this cost might be more affordable to a business owner than a resident.

7. It was suggested that an Automated External Defibrillator (AED) should be acquired for the borough building. The Assistant Secretary will obtain an estimate with service options by the next council meeting.

3. BCO's Report- Mike Hammers

A. An emergency electrical permit was issued. In the case of such emergencies, the BCO can authorize that work to be done prior to inspection.

4. Engineer's Report – Eng. Lipinski did not attend due to illness, therefore he sent a report in his absence. A few minutes was given to review the report. He also was available for a phone call if need be.

A. ADA Ramps: Eng. Lipinski called PennDOT last week for an update with no response. he called PennDOT on the day of this meeting and reached the permit department. They said the Borough must create a business partner ID with PennDOT and add Eng. Lipinski as an authorized user. He had them check if the Borough already had a business partner ID and they confirmed that the Borough does not have one. Eng. Lipinski will meet with Asst. Secretary Partridge later this week to set one up for the Borough so they can continue to process the application.

B. Fire Company Signal: We have executed an agreement with the fire department to perform the survey, set their property corners if no existing monumentation exists and prepare the property survey plan along with the legal description(s). The J.R. Holley survey department has the work scheduled.

C. Sanitary Sewer Televising Evaluation: Eng. Lipinski has forwarded a draft of our review of all the available video information, and recommendations for proceeding. The only remaining item to add to the report is the sanitary sewer map that we are working on.

D. Sanitary Sewer Map: We have been working with Spring Grove's engineer to acquire the necessary information to complete the mapping. Some of the data we previously received was corrupted and unusable. We just received updated information this afternoon but it has not been processed yet. If it is unusable, it will be requested again. Once the information is prepared, it can be added to the Borough's Diamond Maps platform.

E. 122 South Main Street: Eng. Lipinski thought that the property owner had the settlement from the manhole to the sidewalk repaired. It was clarified that the work wasn't completed yet and the patch is temporary until the work can be completed in season.

APPROVED 2/7/23

F. Performing Services for Borough's Sanitary Sewer System: We have investigated and to our knowledge there is no required certification for the J.R. Holley office to assist in maintaining the Borough's sanitary sewer system. The J.R. Holley firm has 3 licensed engineers and a licensed surveyor for these services. They provide these services for several other municipal clients. Discussion continued to confirm that Spring Grove Borough does still have a sanitary engineer and New Salem Borough can continue to use their services. They also have a certified engineer. Contact info has been provided to New Salem Borough. A change to JR Holley is also possible in the future if that is desired.

G. Manholes at Borough Office: These manholes and sanitary sewer lines are the highest priority for repair, J.R. Holley will proceed to prepare the bid documents for this work to commence in spring.

H. Palmer Ave adoption: Information was received from North Codorus Township just before the Christmas Holiday. J.R. Holley has prepared an exhibit drawing for adoption. However, based on the recent information received from North Codorus Township, there is an approximate 250-foot discrepancy between the Township's location for the municipal boundary and the county's location for the boundary. The surveyors have been on vacation for the Christmas and New Year holidays. Therefore, the discrepancy has not been resolved nor the legal description written for adoption. As soon as it is resolved, J.R. Holley will send Solicitor Craley the exhibit drawing and the legal description for the Borough to adopt. If clarity can't be obtained, the borough can still proceed with adoption or decide not to if it complicates tax collection, for instance. The discussion must be tabled until the survey is complete.

ZEO & BCO depart at 7:31pm.

I. Triple Inlet North Main Street: PennDOT issued an email indicating they will fully pay for their proposed repair. However, in the future the Borough will be responsible for maintenance, repairs, or replacements except for the metal grate.

5. Approval of Council Meeting Minutes from December 6th: **CM Martin/CM Partridge motion to accept the minutes. Motion carried unanimously.**

6. Solicitor's Report

A. Sewer Arrearages- There is a new billing program and therefore, some discrepancies in the transition period, so action is not being taken on some delinquent accounts. Today 5 liens were filed: Berran at 43 E George, no mailing address, letter of intent was delivered by C. Barley; Amanda Horton at 49 Water Street notified in August, no communication has been received; Ramos Lopez at 51 North Main Street; Shawn Mack from King Richard's Court; Joseph Messersmith at 36 South Main. A letter of delinquency was sent to the Stone property at 35 Forry Street. A transcript regarding the Meyers judgement has been requested from the district justice and should be received soon. A transcript of the judgement regarding the Freyman property is also needed. Further communication is needed with York Water regarding shut offs. Vernon Bracey is still the point of contact at York Water.

B. Adoption of Palmer Ave and Scarlet Drive – discussed in Engineer's Report.

C. Payment of work completed by Tyke and passed on to property owners: Fees collected and uncollected, need to be resent to Solicitor Craley.

D. Marconi of 107 N. Main Street – It was clarified that the options are to disconnect from sewer and eliminate fixtures and have the trash service discontinue, or to retain and pay for the trash service.

E. Elections: Statement of Financial Interest (SOFI) forms are due to the Borough Secretary by May 1st.

7. Unfinished Business

A. Update on Moving Voting Polls to the UCC Church – no updates.

B. Borough Bldg. Emergency Lighting System – CM Thumma is having Hagen from Dover and another company come give estimates, likely not charging for estimates. (1:02-1:03)

C. Consider approving the 2022 auditor & authorizing signing the Letter of Engagement: We are still waiting on receiving the audit. It was agreed that unless we receive a notice of sanction from the state, we can continue using the current auditor because of good pricing and lack of CPA firms who do this type of work **CM Martin/CM Thumma motion to sign the contract with Kochenour to serve as auditor for the 2022 Fiscal Year. Motion Carried Unanimously.** Resolution. 1-2023. (1:01) The resolution was signed by VP Baldauf and Sec. Delp. Asst. Sec. Partridge will sign the Letter of Engagement and return it to the auditor.

D. Statement of Work for Crosswalk and Curb Painting – CM Martin talked to Sutton Line Painting on phone and the

APPROVED 2/7/23

company agreed to clean surfaces, bring a crew and paint. Work can be done when weather is good. The quote that was emailed to the Borough previously will be signed by the assistant secretary and returned to Mr. Sutton.

8. New Business

A. Consider Revisions to Fee Schedule – covered in Z&CEO report.

9. Financial Report

A. Discussion and Approval of November Financial Report – Approval contingent on finding the error in QB. **CM Martin/CM Thumma motion to approve the report with the understanding that the QB error will be found. Motion Carried Unanimously.**

10. Secretary's Report

A. Correspondence & Phone Calls – A thank you note was received from Windy Hill

B. News Items – Auditor still has not completed 2020 and 2021 audits as discussed previously – Jan 1st sewer loan payment was made and sent certified using amount in new fee schedule – Migration from QB's desktop to QB's on-line. A comparison of QB online to QB and ADP combination, overall costs were similar and QB offers enhanced features and services. Quicken offers a savings, but lacks support. Security was discussed and it was concurred an established company will likely have better security. **CM Martin/CM Thumma motion to approve transition to Quickbooks online. Motion Carried Unanimously.** Assist. Sec. Partridge requests that office hours held previously on Tues/Thurs 9am-12pm could be altered to by appointment only since visitors are infrequent. It was concurred that this is acceptable. A discussion of who has keys to office was held. All of the keys are accounted for, and a record is kept. It was discussed that the building was rekeyed at one point to prevent security issues. – Sewer Billing Cost Increase- An increased fee structure was given by new manager of Spring Grove Borough. Some of the increases were discussed. It was discussed the \$5.00 per bill, per quarter, may be reasonable when staff time is considered in the equation. The idea of bringing the billing back to New Salem Borough was mentioned, but there may not be enough available staff time to handle this work. Last time the servicer was changed, the payment due date was shifted forward in time by 45 days. The Spring Grove manager said they are increasing the per bill charge because the current fee structure isn't covering their administrative overhead. It was mentioned that a cost breakdown could be requested and suggested that the contract could be amended now and the rate locked in for 3 years, as a cost savings. There was a request that council move to authorize Assist. Sec. Partridge to negotiate a new billing rate. **CM Thumma/CM Becker motion to authorize Assist. Sec. Partridge to move forward with negotiating a new billing rate. Motion Carried Unanimously.**

11. Mayor's Report

Mayor Franklin reported on Fire Calls and EMS Calls. Call responses are taking up to 20 minutes. Tri-Community Ambulance is now closed, but Wellspan is considering running a service out of their building. It was verified that it is OK to pay 2022 workmen's compensation for Tri-Community to Seven Valleys Borough. Conversation arose about the call reports and conflicting data and accuracy. Discussion was also had about how it is determined which companies are sent to respond to calls. It was suggested that the yorkfirepage.org is a good source for gathering information about call responses. YNS fire station is #8 on this system.

12. Police Activity Report:

Asst. Solicitor Craley provided the following report: Updates from 7/1-9/30/22. There were 6 investigations in the borough, 3 were crimes against persons, 2 were assaults, 2 were harassment and 1 was a simple assault, 1 was endangering the welfare of a child, 1 crime against property which was criminal mischief. There were 2 crimes against society. One was a nuisance, a disorderly conduct, and the last was classified "other" no category assigned. For Vehicles: 1 citation in August for emerging from an alley, driveway or building. Also there was a non-reportable accident in August and another in September. A fatality that occurred in October will be on a future report.

13. Committee Reports – None

14. Around the Table – W2's forthcoming after issuing tax collector pay. (1:53), December 3rd-4th was the last leaf collection. There was a brief mention that the Call app previously discussed sometimes crashes.

15. Adjourn 8:55 pm