

**APPROVED 6/6/23**  
**MINUTES OF THE NEW SALEM BOROUGH COUNCIL MEETING**  
May 2, 2023, at 80 N. Water Street, York New Salem PA

The New Salem Borough Council met in regular session on Tuesday, May 2, 2023. 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 F. Baldauf, Vice President  
Kim E. Martin, President pro tem  
Sue Ann Becker  
Harvey E. Thumma Jr.  
Cecilia Harvey  
George K. Donavos

**BOROUGH OFFICIALS PRESENT**

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

**OTHERS PRESENT**

Several Residents

**BOROUGH COUNCIL ABSENT:**

None

**BOROUGH OFFICIALS ABSENT:**

Ron Franklin, Mayor  
Mike Hammers, Building Code Officer

Note the following Abbreviations:

“CM” = “Councilmember”

“Pres.” = “ Council President”

“S/T” = “Secretary/Treasurer”

“Engr.” = “Engineer”

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

“Sol.” = “Solicitor”

**1. Public Comment** – Several residents were present to comment on a letter they received from PennDOT concerning entering their property to make surveys and engineering studies related to a PennDOT study on how to improve traffic flow at the square. The letter stated that entry is authorized by the PA Eminent Domain Code. A copy of this letter is included in the meeting packet along with a list of the names and addresses of the residents who were present to express their concern that their property might be taken by eminent domain to construct a traffic circle to replace the existing traffic signal. Pres. Mundorf started the discussion by stating that the Borough had no knowledge of the progress or results so far of the PennDOT study, only that such a study was being conducted. Sol. Craley stated that there is nothing the Borough can do since it involves two state highways; however, he said that he believes that PennDOT is required to solicit public comment and the Borough will request that they hold such a meeting in the Borough to give our residents a chance to voice their concerns. Contacting our local political representatives was also discussed. The residents were unanimous in their opposition to a traffic circle and also complained about vehicles running red lights and speeding through the intersection as well as trucks using their brake retarders in violation of the Borough ordinance. Pres. Mundorf said he would relay these complaints to the State Police. The residents requested that the Borough keep them informed to which the Council agreed. S/T Partridge mentioned that a representative of the York County Planning Commission would be at the June 6<sup>th</sup> Council Meeting to give a presentation on an overview of the 2025 Transportation Improvement Program which may include plans for the intersection at the square. Pres. Mundorf thanked everyone for coming and invited them to continue to be involved and to contact the Borough anytime they have a concern or need information.

Mathew and Kayla Colarossi of 2002 Marian Way were present to express their concern about cars speeding on King Richards Ct S past their side yard and wanted to know what could be done to slow these cars down to a safe speed. Various options were discussed such as rubber speed tables, permanent speed tables, speed control signs, and a 3-way stop sign at the corner of Marian and King Richards Ct S. Council members stated that speeding on Robin Hood Drive and King Richards Ct S has been a constant and perplexing problem and agreed to take the issue under consideration again.

**2. Z&CEO’s Report** – Z&CEO Koons gave the following report:

- a. Permits Issued – Kelly and Shawn Tappen , 4165 Robinhood Dr, Fence

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### b. Enforcement Actions Taken

1. NOV mailed 12/7/21 to Timothy Freyman 105 W. George St regarding junk, 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. No new updates, violation remains. No changes.
  2. NOV mailed 9/12/22 to Loubriel Lopez, 51 N. Main St for permit violation for fence and pool, due to no response, filed complaint 10/14/22, Proposed hearing for Nov 17 at 9AM. Complaint was non- deliverable, paid for constable service, has been delivered, hearing scheduled for 12/15/22 at 9AM, hearing is now scheduled for Jan 12, 2023 at 9AM. Hearing is now scheduled for Feb. 15, 10AM, entered defense. As of 2/15/23 Mr. Lopez has been given 30 days to obtain permit, mailed to him an application and instructions on 2/17/23, compliance date 3/17/23. Hearing on 3/20/23, Mr Lopez on 3/17/23 texted me a sketch, (part Spanish, part English), then at the hearing on 3/20/23 handed me the zoning application for the fence, it was however for an extension for an existing permit issued in 2020, he now needs to make application for a building permit for the pool, he has an additional 30 days for him to obtain the permit. Mike Hammers and I met with Loubriel at the Borough office 3/21/23 to explain those details, compliance date is 4/20/23. Hearing on 4/24/23, Received application 4/24/23 and passed on to Mike Hammers, He and I will continue meeting with Loubriel to complete.  
The question about whether Mr. Lopez's fence is encroaching on an alleyway that extends into the Fire Company's property was raised again. Sol. Craley stated that there is additional work to be done to confirm who owns the alley before that issue can be settled and it may be difficult to do that.
  3. 301 N Main St, (Diaz) complaint filed, Diaz entered defense. Attorney Herrold discussion 10/4. Planning Commission for Hearing is 12/1/22, zoning hearing is 12/20/22. Zoning hearing decision denied. Mailing decision 2/3/23. Enforcement letter mailed 3/28/23 for 10-day compliance for chapter 217 compliance date 4/10/23, Diaz is in compliance, but mailed a reminder of working hours.
  4. NOV mailed on 4/17/23 to Hewitt, 30 S. Main for weeds, grass, vines, compliance date to be 4/30/23. Sol. Craley said he will be talking to Mr. Hewitt tomorrow and will try to get him to agree to get the property cleaned up and disposed of.
  5. NOV to Hecker at 63 N. Main for junk. Compliance date was to be 4/18/23, now grass violation. Rumors are house is vacant.
  6. Mailed Hanna Evans on 4/25/23 to 74 W George St letter to remove mailbox.
  7. NOV mailed on 4/26/23 to 64 W George St for excessive noise after midnight on 4/23/23.
  8. NOV mailed to 63 N Main Hecker for junk, high grass and pool water untreated. Compliance date May 5, 2023. Sol. Craley will try to contact.
  9. Spoke with DG manager about trash and also spoke with Ferrand realty (Sherwood Plaza) about trash and spouting parts. Manager at DG will discuss with employees, Ferrand will clean it up.
  10. NOV mailed to 75 W George St for zoning permit violation, choices are to obtain building permit and comply with MDIA inspections or to remove the sunroom.
  11. NOV mailed to 36 Water St for fence replacement w/o permit.  
There was some discussion about the mobile home on the lot next to the Sunoco station owned by the same person who owns the Sunoco station. Z&CEO Koons says the owner will be getting together with him to discuss plans to replace the mobile home.
- c. New business phone number – Z&CEO Koons mentioned that he now has a new phone number for business related calls. It is 717-995-6789.

### 3. BCO's Report – No new activity to report.

### 4. Engineer's Report – Engineer Lipinski gave the following report:

- a. Entrance driveway at 85 W. George St. – He referred to a handout from PennDOT which stated that on a state highway normally only one driveway is allowed for a residential property and that at least 600 feet of frontage is required for two driveways. This property does not meet this requirement and, therefore, does not qualify for a Highway Access Permit (HAP). He further stated that the Borough needs to contact PennDOT to be put on their list of municipalities that request to be notified anytime a property owner in that municipality applies for a permit.

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***A CM Baldauf/CM Thumma motion to authorize Engr. Lipinsky to request that PennDOT put New Salem Borough on their notification list for permits carried unanimously.***

Z&CEO Koons leaves the meeting.

With regard to the repaving of Main Street that occurred last summer, Engr. Lipinski stated that PennDOT requires a contractor to post an 18-month maintenance bond on any work they complete in a municipality. Problems that occur after the 18 months are the responsibility of the municipality so the Borough should keep that in mind if it has any issues with or as a result of the Main Street repaving. He will check with PennDOT to see when the 18 months started for the Main Street repaving and the triple box repair.

- b. ADA Ramps – PennDOT has approved his design but he wants to recheck all of the numbers he used in his design to be sure that when the ADA ramps are completed they will meet all of PennDOT's specifications for ADA ramps; otherwise, he will have to tear them out and start over. He expects to have the recheck done by next week.
- c. Triple stormwater inlet on N. Main St. – He has not been notified by PennDOT that the job is complete and PennDOT was supposed to notify him. He will check to see if the work has been completed satisfactorily.
- d. Fire Company Signal Update – waiting on Sol. Craley to complete the property description work for the Fire Company.
- e. Sanitary and Storm Sewer Inspections – After going through all the Mr. Rehab data, he found that there are 20 sewer line sections or about 2700 feet that were not televised, including the sewer line on Kevin Willis' property at 74 N. main Street. He recommends that the Borough have these sections inspected. It was suggested that the Borough contract directly with an inspection contractor rather than going through Spring Grove Borough.
- f. Ground Depression at 122 S. Main Street – No change. The work has not been accomplished yet, but a temporary patch has been applied in the meantime.
- g. Depression in Sewer Line at Borough Bldg. – Geotech contractor is recommending stabilizing the pipes, the manholes, and the paving with concrete Geotech style fabric and geogrid because it's a soft ground situation. They do not recommend draining the water because of the effects it could have on adjacent properties and buildings due to changing the water table. The load of the manhole and piping would be supported by the geogrid and fabric. No cost estimate yet. Geogrid is a triaxial polyethylene grid system that gives subsurface tensile strength. It's a really good product, not cheap, but it's one and done.
- h. Road depressions on Robin Hood Drive – Last Thursday test holes were drilled to determine the work that needed to be done to reclaim the street. During that process, he noticed that three storm water inlet boxes down at the bottom of the hill and around the bend on Robin Hood Drive on the West side were made of brick and that the sides are falling in. These boxes and their inlet pipes should be replaced prior to doing any type of street work. The boxes on the East side are in good shape. There is another problem on the East side with a drainage pipe that dead ends on one of the properties that is causing the sidewalk to be depressed. This situation also needs to be fixed. The test hole drillings confirmed that there is water under the road indicative of a drainage problem that needs to be addressed before the roadway is repaired. He estimates the total cost to replace the inlet boxes, address the drainage issue, and repair the road is \$80,000 to \$150,000 max. Repairing Palmer Drive would add around another \$20,000. He agreed that it should certainly be under \$200,000 for everything.
- i. Kevin Willis (74 N. Main St) Driveway Depression – awaiting completion of sewer inspections.
- J. Palmer Drive road repair – Engr. Lipinski suggested we ask North Cordorus Township (NCT) if they would like to join us in a contract to repair their portion of Palmer Ave., and perhaps other roads of theirs, along with the Borough's portion of Palmer Ave. plus Robin Hood Drive to get a better price.
- k. Storm drains and sinking sidewalks – Four storm water inlet boxes on King Richards Ct need to have fill put in around the outside of the boxes.  
A resident on Friar Road has curbing in front of his property that is crumbling in spots and had inquired of S/T Partridge and CM Thumma as to who was responsible for repairing his curbing. Sol. Craley, citing the Borough code, said the property owner is responsible. S/T Partridge said he would relay this information to the resident. After some discussion it was agreed that the repaired curbing should match the existing curbing.

Engr. Lipinsky leaves the meeting.

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5. **Approval of April 4th Council Meeting Minutes** – CM Thumma stated that the motion to appoint George Donavos as a member of Council was made by CM Becker and seconded by him. **A CM Thumma/CM Baldauf motion to accept the minutes with this one correction carried unanimously.**

### 6. Solicitor's Report

- a. Sewer Arrearages – Mr. Ramos promised to give \$500 towards his arrearages but so far has not. Myers' have made their second monthly payment - so far so good with them. S/T Partridge brought up an issue with Zaza's who is currently being billed for only one EDU where previously they had been billed for three EDU's. After discussing this situation with Zaza's owner, Jim Ness and his mother, Mary Myers, and with Zach Gulden at Spring Grove Borough, it was evident that somehow, in the billing transition from York Water to Spring Grove, the number of EDU's ascribed to Zaza's went from three to one. Ness agreed that the number of EDU's should be three. That means Zaza's is in arrears by two EDU's for nine billing cycles or a total of  $2 \times 9 \times \$243.75 = \$4,387.50$  and Spring Grove will be billing them for 3 EDU's from now on and will record the arrearage. St. Jacobs UCC has only been billed for 1 EDU by Spring Grove where previously they were being billed for 2 EDU's. At the last meeting Sol. Craley said he would check with York Water on the history of their water usage but has not done so yet.
- b. York Water Shutoff Agreement – Sol. Craley reviewed the water shutoff agreement that he had negotiated with York Water Company, a copy of which is included in the meeting packet. He recommended that Council approve it and then he will submit it to the Public Utilities Commission and once they approve it, we can start shutting off the water for the worst offenders. The cost to the Borough for the water shutoffs is recoverable by the Borough and must be paid before the water is turned back on. Renters may pay the arrearage and water shut off cost and deduct that cost from their rent. **A CM Baldauf/CM Donavos motion to approve the water shutoff agreement carried unanimously.**
- c. Accessory Dwelling Units – Tabled until next meeting because the draft ordinance was inadvertently left out of the meeting packet.

### 7. Unfinished Business

- a. Update on Moving Voting Polls to the UCC Church – still awaiting decision of the York County Board of Elections.
- b. Borough Bldg. Emergency Lighting System – The installation is completed, the old emergency batteries were removed, and the invoice balance was paid.
- c. Status of Crosswalk and Curb Painting – contract signed, nothing has happened yet - still awaiting warmer weather. CM Martin will call contractor.
- d. Yard Sale – Pres. Mundorf will get the signs out of the storage room.
- e. Sewer billing agent request for proposal – S/T Partridge made a number of calls to neighboring Boroughs to see if they would be interested in being NSB's sewer billing agent. West Manchester said no, Dale Getz at Glen Rock Borough and Andy Shaffer at New Freedom Borough were interested. He also talked to the director of YATB who said they might be interested in getting into that business, and to Diversified Technology, a commercial company who provides the software used by Glen Rock and New Freedom. Pres. Mundorf said we should not be the learning curve for YATB and inquired if QuickBooks had a module that would allow us to use it for sewer billing. S/T Partridge will look into it. He also described the system he uses to bill the annual HOA assessment which is only 58 invoices once a year using Excel and Word. The question is can that system be scaled up by a factor of 6 invoices, 4 times a year, and would require that we hire someone to do that, preferably on a commission basis, a percentage of the money collected, like we pay our tax collector. The most promising so far is Glen Rock who would just add NSB to their system which uses the Diversified Technology software. Diversified Technology, the only commercial company I talked to, sent me some cost information for their software which looked like it might be expensive. It looks like the cheapest option would be to hire someone to do it using existing software like QB's, Excel, and Word. The question of the state auditing our sewer billing system came up but our sewer billing system is not a part of our annual audit for the state. We currently pay about \$4,000 per year for sewer billing. S/T Partridge said that Spring Grove told him they were not interested in being our sewer billing agent after this year so we need to find an alternative. Sol. Craley said we should get this in writing from Spring Grove. It was pointed out that the problem with hiring someone is if they quit, there could be loss of continuity until we found another person or solution. S/t Partridge will continue to investigate the options.
- S/T Partridge said the situation with Cheryl Bahn's electronic payment still has not been resolved. The question is

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if the money can't be recovered, who is liable for the loss. The consensus is that Spring Grove should be liable if their system initiated the payment. S/T Partridge will follow up with Spring Grove and Asst. Sol. Craley will get involved if necessary.

### 8. New Business

- a. Consider revising Borough logo and letterhead – After some discussion and a request to send CM Martin ideas for a new logo, the subject was tabled until the next meeting. S/T Partridge explained that his letter to SAM.gov to appoint him as the Borough administrator for SAM.gov was rejected because the Borough letterhead did not contain the Borough's address even though the address was contained in the body of the letter. He then presented a revised letterhead, included in the meeting packet, for Council approval. **A CM Martin/CM Donavos motion to accept the letterhead revision proposed by S/T Partridge as the new Borough letterhead carried unanimously.**
- b. York County Block Grant Program – Opt In or Opt Out – A letter from the York County Board of Commissioners (included in the meeting packet) requested that municipalities either opt in or opt out of the York County Community Development Block Grant Program (CDGB) for fiscal years 2024 - 2026. If no reply, the default is opt in. If a municipality wishes to opt out in order to be eligible for state grants, it must notify the County Commissioners and the HUD Regional Office in writing by June 12, 2023. Sol. Craley suggested this item be put on the agenda for the next council meeting so Engr. Lipinski can be consulted.

**9. Financial Report** – S/T Partridge stated that the report passed his consistency test. Pres. Mundorf inquired about whether there would be enough surplus in the sewer fund to make an extra principal payment. S/T Partridge said he would look at that. CM Thumma inquired about two QuickBooks payments in March. The early March payment was February's charge and the one in late March was March's charge. CM Martin inquired if there was any further breakdown of the James R, Holley payment. S/T Partridge said their invoice did not give any further breakdown than what he included in the financial report. She asked for and received confirmation that the Sunoco Station owner would be paying the cost of the ADA ramps. **A CM Baldauf/CM Thumma motion to accept the March financial report as presented carried unanimously.**

### 10. Secretary's Report

- a. News Items – CM Thumma found two additional sets of keys for the traffic signal control box in the storage room so we now have 4 sets – Pres. Mundorf has a set, one set is in the lock box now installed just outside the office door, and the other two sets are in the center drawer of the desk in the office – the ARPA annual report was submitted – information for the SWIF audit was given to that auditor – the 1<sup>st</sup> quarter payroll taxes were filed and paid – the Borough's liquid fuels allotment of \$22,922 was received – everyone in the Borough should have received the letter from Wellspan regarding the ambulance service they will be providing out of the old Tri-Community building in Seven Valleys – after 3 visits to the State Police I finally have the name of truck driver who hit the utility pole in the square and the name and address of his trucking company and their insurance carrier.

**11. Mayor's Report** – Pres. Mundorf received a text from Mayor Franklin saying his health was still not great, that he would not be attending the meeting, and please feel free to fill his seat if need be. There was some discussion about whether an addition the Mayor had added on the back of his house was in compliance with the Borough ordinance. Sol. Craley stated that according to section 901 of the Borough Code, the Mayor would have to submit a letter of resignation before he could be replaced and the letter would not be effective until it was accepted by Council. Council would then have 30 days to fill the vacancy by appointing, by resolution, a registered elector of the Borough, to hold the office, if the term continues that long, until the first Monday in January after the first municipal election occurring more than 60 days after the vacancy occurs, at which election an eligible individual shall be elected to the office for the remainder of the term. CM Martin stated that she had reached out to former council member Joe Shubert to see if he would be interested in being appointed mayor if Mayor Franklin resigned. She has not heard back from him yet. If a replacement mayor cannot be found after the 30 days are up, then a vacancy board consisting of the members of council plus a citizen from the community must try to fill the vacancy, and if they can't, it goes to district court. The Council President acts as the mayor until the vacancy is filled. CM Donavos suggested his wife might be a good candidate if Joe Shubert is not interested. Sol. Craley said there is no prohibition against two family members serving together as Borough officials.

**12. Police Activity Report** – Asst. Sol. Craley reported that from January 1<sup>st</sup> to March 31<sup>st</sup> there were 5 crashes in the borough, 2 in January, 3 in March. Causes were improper careless turning, tailgating, and proceeding without clearance

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at a stop sign, and 2 of the crashes involved injury or death. There were also 7 citations handed out, 3 in January, 1 in February, and 3 in March, also one warning was handed out in March. For crimes, there were 3 criminal investigations, 1 in February, 2 in March, 3 arrests all in March, 2 crimes against a person, both assaults and harassment, and one crime against property which was embezzlement.

### **13. Committee Reports**

- a. Building – CM Thumma reported that the back door needs sealing, there is a one-inch gap between the building and the blacktop that needs to be filled in and sealed.
- b. Highway – nothing further to report.
- c. Sewer – nothing further to report.
- d. Sidewalks – nothing further to report.

**14. Around the Table** – Pres. Mundorf described what actions he took when a burn ban was declared, but he never received notice from Chief Pierce when the ban was lifted. CM Thumma mentioned that according to York County regulations fire pits can be used during a burn ban. Pres. Mundorf said that he posted the directory on the website.

**15. Adjournment** – Meeting was adjourned at approximately 10:19 pm.

These minutes were transcribed from an audio recording and respectfully submitted by Secretary/Treasurer Peter E. Partridge.