

APPROVED 7/11/23
MINUTES OF THE NEW SALEM BOROUGH COUNCIL MEETING

June 6, 2023, at 80 N. Water Street, York New Salem PA

The New Salem Borough Council met in regular session on Tuesday, June 6, 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

Joe Shubert

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. 2025 Transportation Improvement Program Overview** - Felicia Dell, York County Planning Commission (YCPC) Director, gave an overview of the 2025 Transportation Improvement Program. Her presentation slides are included in the meeting packet. York County is in the process of updating its Hazard Mitigation Plan which must be updated every 5 years for funding eligibility. The County is asking all its municipalities to fill out a simple survey evaluating the hazards their community might face. The YCPC was created by the York County Commissioners back in the 1950’s and is authorized under the state planning code with an array of responsibilities related to planning. It is here to serve the needs of the municipalities as well as the County Commissioners. Every two years York County updates its Transportation Improvement Program, which describes the projects to be accomplished in the next four years that are funded and either in the design, bid, or construction phase. In the current 4-year TIP cycle there are 116 projects totaling almost \$200M. The current TIP update is for the 4-year cycle beginning in 2025. Between now and December, YCPC and PennDOT will be meeting with all 72 York County municipalities to get their input and in April thru June 2024 there will be a formal public comment period. In the meantime, please contact the YCPC with any transportation inquiries or issues. At the conclusion of the presentation, Council expressed a concern that PennDOT was not keeping the Borough apprised of what they were doing so that the Borough is aware and can answer questions and concerns from residents. Ms. Dell suggested that the Borough send a representative to the PennDOT Connects meetings or contact YCPC, who has a good working relationship with PennDOT, if they are running into roadblocks with PennDOT regarding being kept informed. Another option is to contact our state legislative representatives who are briefed by PennDOT periodically about project plans in their districts.
- 2. Public Comment** – Hanna Evans of 74 W. George Street addressed the Council about removing her mailbox to be compliant with paragraph 201-37 of the Borough Code. She has a free PO Box and some of her mail is delivered there and some is delivered to the mailbox in front of her house. After some discussion it was affirmed that she has to comply with the ordinance and remove her mailbox.
- 3. Z&CEO’s Report** – Z&CEO Koons gave the following report:
 - a. Permits Issued – 36 Water St., fence – 4079 Sherwood Dr., porch steps and sidewalk
 - b. Enforcement Actions Taken

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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-000014-2022, 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, Rec'd application 4/24/23 and passed on to Mike Hammers, He and I will continue meeting with Loubriel to complete. Meeting with Loubriel on 5/11/23, unable to afford permit fee and unable to complete an acceptable application. Was given 30 days to remove pool.
 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. No changes
 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 had a discussion with Mr. Hewitt's lawyer recently. The grass has since been mowed but the rest of the yard is a mess. The consensus of Council was for Z&CEO Koons to contact Tyke Shubert to have him clean up the yard and the cost will be charged back to Mr. Hewitt.
 5. NOV to Hecker at 63 N. Main for junk. Compliance date was to be 4/18/23, now grass violation. Pool water untreated. Rumors are house is vacant. Sol. Craley confirmed that his phone number is no longer in service. Letters sent to him have been returned. Z&CEO Koons can ask Tyke Shubert to mow, trim, and pour Clorox or place a mosquito brick into the pool to kill any mosquitos. Sol. Craley said that under the circumstances, the borough has the authority to abate the nuisance. Tyke should also have the junk hauled away with the cost paid by the Borough and charged back to the owner.
 6. Mailed Hanna Evans on 4/25/23 to 74 W George St letter to remove mailbox.
 7. 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. Mike Hammers and I, on 5/23/23 performed an inspection and confirmed structure is compliant with the permit.
 8. The new owner of 286 N. Main St. inquired if a permit was needed to remove brush and clear the ground in preparation for future construction, said he might build an apartment building. No permit required if not excavating for a building, just clearing the ground. Also amount of ground disturbance is less than 5,000 sq. ft. so not a storm water issue. His driveway has been there for years and is grandfathered in regarding needing a Highway Occupancy permit.
 9. July 6 is Z&CEO Koons' 2-year anniversary with the Borough and he asked to have an hourly increase of 3-5% per year. Also, his cell phone is partially paid by Jefferson Borough, so he would like to have NSB compensate him also by \$10/month. **A CM Donavos/CM Harvey motion to increase Z&CEO Koons and BCO Hammers hourly pay rate by 5% effective with their July paycheck and provide a \$10 a month telephone allowance to each beginning in July, carried unanimously.**
4. BCO's Report – No new activity to report.
- Z&CEO Koons leaves the meeting.
5. Engineer's Report – Engineer Lipinski gave the following report:

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- a. ADA Ramps – PennDOT is getting tougher on the design of ADA ramps. All the design work is now completed and once the permit is issued the project can be turned over to the owner for contracting. Engr. Lipinski will tally up his costs for the design work so the Borough can send the owner a bill. If any additional time is required, it can be billed as a supplement.
- b. Triple stormwater inlet on N. Main St. – the final topcoat has improved the deflection and we can consider it a done deal subject only to the 18-month contractor performance warranty. Engr. Lipinski will find out from PennDOT when that expires.
- c. Fire Company Signal Update – can't proceed until the deed issue is resolved.
- d. Sanitary and Storm Sewer Inspections – inspections of lines not done is considered maintenance therefore no bids required. **A CM Martin/CM Thumma motion to authorize Engr. Lipinski to obtain estimates from several contractors to inspect those sections of the sanitary sewer system not inspected by Mr. Rehab during the previous inspection, carried unanimously.**
- e. Ground Depression at 122 S. Main Street – repair work completed, awaiting inspection by Engr. Lipinski prior to payment of Borough's share.
- f. Depression in Robin Hood Drive and Sewer Line at Borough Bldg – recommendation is to hold off on the street repair work on Robin Hood Drive and Palmer Avenue until next year and employ an excavation/utility contractor to repair the sinking sewer manhole at the Boro Bldg and the storm water inlets, pipes, and base drain on Robin Hood this year at a cost of around \$100,000. Also included in this utility work would be repairing the storm drains and sinking sidewalks that CM Thumma has identified. **A CM Thumma/CM Becker motion to accept Engr. Lipinski's recommendation to perform all of the utility work this year and hold off on the road surface repair until next year, carried unanimously.**
- g. Road depressions on Robin Hood Drive – see item f above.
- h. Kevin Willis (74 N. Main St) Driveway Depression – awaiting completion of sewer line inspections.
- i. Palmer Drive road repair – deferred until next year per item f above.
- j. Storm drains and sinking sidewalks – see item f above
- k. York County Block Grant Program – Opt In or Opt Out – Engr. Lipinski recommended Opt In.
- l. Payment of Clear View Excavation Invoice for \$1,275 – previously approved so OK to pay.
Some discussion about the painting of the curbs and crosswalk. Crosswalk painting has already faded significantly. S/T Partridge will call the contractor.

Engr. Lipinski leaves the meeting.

6. **Approval of May 2nd Council Meeting Minutes** – CM Thumma pointed out a spelling error. **A CM Thumma/CM Becker motion to accept the minutes as corrected, carried unanimously.**

7. Solicitor's Report

- a. Sewer arrearages and water shutoffs – 22 people slated for water shutoff at a cost of \$100 per property; updated list wanted due to personnel changes at Spring Grove Borough (manager was just terminated); Ms. Mulay of Zaza's called to say she is sending a check for full amount of her arrearage due to billing error in number of EDU's.
- b. Mailbox Ordinance Amendment – mail or newspaper boxes not by the street are legal but USPS regs prohibit mail delivery persons to deliver if they must exit the delivery van or drive off the street onto the property; one minor correction to previous version, will send corrected copy to S/T Partridge to hold for future action.
- c. Accessory Family Dwelling Units Ordinance – after some discussion it was decided to table consideration of this ordinance for now.

8. Unfinished Business

- a. Update on Moving Voting Polls to Church – Our guest speaker, Felicia Dell of the YCPC is also currently a member of the Election Commission and can investigate why we haven't heard back from the commission.
- b. Status of crosswalk and curb painting at the square – discussed above at end of Engineer's Report.
- c. Sewer billing update – After telling us otherwise, SGB is now interested in continuing to be our billing agent but, because they claim to be losing money at the current rate, is raising the charge to \$5 per bill mailed for the last two billing cycles of 2023 and is proposing a charge of \$6 per bill mailed if we renew the agreement for 2024. If we do not agree to the \$5 per bill mailed, they will give us 60 days termination notice. Based on cost numbers

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supplied by the manager at SGB (see calculations included in the meeting packet), at \$2.50 per bill mailed it appears that they, indeed, are losing money. At \$5 per bill mailed they are making a 37% profit, and at \$6 per bill mailed, a 62% profit costing us \$2,171 per billing cycle. Diversified Technology, a company whose billing services are used by a number of nearby municipalities including Glen Rock, New Freedom, and North Codorus, quoted \$700 per month to provide the same billing services that SGB is providing amounting to \$2,100 per billing cycle comparable to what SGB will be charging but would require transitioning our sewer customers to a different collection agent. NCT was contacted and they have limited staff so would not be able to be our billing agent. Glen Rock also has limited staff. New Freedom (Andy Shaffer) is interested and will provide a quote. West Manchester was not interested. YATB is interested but has never done sewer billing before, so we do not want to pay their learning curve costs. S/T Partridge said he talked to several commercial vendors of billing services at the PSAB Annual Conference, but they are geared to higher volume customers and did not think they could be cost effective for the small quantity of bills the Borough has. He also talked to the president of York Water Company about being our billing agent again and possibly purchasing our sewer system. He said YWC would be interested in both and agreed to meet with our Council President, Solicitor, and S/T to discuss the matter further. Sol. Craley pointed out that Jacobus sold their sewer system to YWC and that we should contact them to see how it's going for them. After extensive further discussion on related matters, the following consensus was reached: 1) to write-off the \$243.75 sewer charge payment that Cheryl Bahn instructed Peoples Bank to send electronically to SGB but was never received by SGB and appears to be untraceable; 2) given the recent departure of their manager, to contact SGB to see if the \$5 per bill mailed requested by SGB for the remaining two billing cycles of 2023 is supported by their council or is still negotiable; and 3) to give preference to returning to YWC as the Borough's sewer billing agent assuming their cost will be competitive.

CM Thumma leaves the meeting.

- d. Speed Control on King Richards Ct S & Robin Hood Drive – After much discussion about the effectiveness of various speed control methods and the likelihood that PennDOT would approve them, the purchase of two additional electronic speed control signs was considered and S/T Partridge agreed to get a firm cost proposal to present at next month's meeting. Also, **a CM Baldauf/CM Donavos motion to spend Up to \$250 for "slow down" signs, carried unanimously.**
- e. Consider changing Borough Logo and Letterhead – So far only one idea for a new logo has been submitted. Council agreed to continue soliciting additional designs and revisit next meeting.

9. New Business

- a. Mayor's resignation and Appointment of a Successor – receipt of Mayor Franklin's resignation letter of 10 May 23, a copy of which had been emailed to all council members, was acknowledged. **A CM Martin/CM Donavos motion to accept Mayor Franklin's resignation carried unanimously.** Sol. Craley presented a resolution appointing Joseph Shubert as Mayor of New Salem Borough. Mr. Shubert addressed the Council, talking about his background as a long-time resident of the Borough, a volunteer fireman, an EMT, and his willingness to fill-in as mayor for the unexpired term of Mayor Franklin, or until a new mayor can be elected. **A CM Martin/CM Baldauf motion to approve the resolution appointing Joseph Shubert as Mayor of New Salem Borough carried unanimously.** Mayor Shubert was then sworn in by Asst. Sol. Craley, signed the oath of office and affidavit of residency, and was congratulated by all. Sol. Craley pointed out that Mayor Shubert needs to fill out a Statement of Financial Interests (SOFI) form. Prior to the approval vote, when given the keys to the traffic signal control box, Mayor Shubert provided some interesting history, i.e., that the traffic signal could not be programmed for certain timing and emergency assist sequences until its control computer was upgraded at a cost of \$90,000, which the Borough did not want to spend at that time.
- b. Fire Company Liability Insurance – 2nd semiannual premium payment – **A CM Martin/CM Becker motion to pay the 2nd semiannual premium for the Fire Company's Liability Insurance carried unanimously.**
- c. Email retention requirements – Sol. Craley will draft a resolution adopting a document retention policy. Emails sent and received using Borough email accounts are public documents if they pertain to Borough business and must be retained for an amount of time prescribed by statute irrespective of which Borough official they are assigned to. Best policy is not to use the Borough email accounts to transmit or receive personal messages or

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information unrelated to Borough business. S/T Partridge said that transferring a Borough email account from a former official to a newly elected or appointed Borough official is easy to do so that new accounts do not have to be purchased.

- d. York County Regional Chesapeake Bay Pollutant Reduction Plan Amendment – Sol. Craley recommended the Borough remain in the York County Storm Water Consortium and sign the two documents they sent us, a resolution and an amendment, that are in the meeting packet. **A CM Baldauf/CM Harvey motion to authorize Pres. Mundorf and S/T Partridge to sign these two documents on behalf of the Borough and return them to the York County Storm Water Consortium, carried unanimously.**
- e. Traffic Signal Repair & Maintenance Contract – Milt of Milt’s Repair Service, who has faithfully been providing maintenance and repair services for the traffic signal at the Square for many years, died recently and his business has been dissolved. A group of local municipalities, who relied on Milt, are trying to form a consortium to request bids on a consolidated contract and asked if New Salem Borough would like to be a part of that effort. Seeing no downside, Council agreed that would be a good solution to the Borough’s traffic signal maintenance and repair needs. S/T Partridge will bring any resulting contract proposal to Council for approval.
- f. Solid Waste Removal Contract – The Borough’s solid waste removal contract with Penn Waste is due to expire the end of this year and needs to be rebid. Sol. Craley will provide a sample bid proposal for discussion at the next council meeting.

10. Financial Report – Review and Approval of April Financial Report – S/T Partridge said the reports met all his consistency criteria, and he answered a few questions about specific entries. He will get back to CM Martin with an answer to her question about both positive and negative entries under current liabilities on the balance sheet. **A CM Baldauf/CM Becker motion to approve the financial report as presented carried unanimously.**

11. Secretary’s Report

- a. News Items – YCBA Summer Meeting notice, anyone wishing to attend should notify S/T Partridge by 15 June - He pointed out that the invoice in the meeting packet for the semiannual sewer loan payment of a little over \$91,000 is due on 1 July and recommended that no advanced payment on the principal be made at this time – the 2022 audit is completed and filed and the SWIF audit has been successfully completed.

12. Mayor’s Report – a tree fell on N. Main blocking traffic for several days and knocked out electric power to some homes for a few hours. CM Donavos observed a car move the barrier cone and drive through.

13. Police Activity Report – Nothing to report at this time.

14. Committee Reports – Nothing beyond what has been covered under other items.

- a. Building
- b. Highway
- c. Sewer
- d. Sidewalk

15. Around the Table – Some discussion about the loud traffic noises on Main and George streets. CM Donavos asked if he could be the liaison with the State Police. He is training some of their officers and has a good working relationship with them. Although liaison with the State Police is normally the mayor’s job, the consensus was it does not hurt to cultivate as many good working relations as we can.

16. Adjournment – Meeting was adjourned at approximately 10:48 pm.

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