

Jefferson Borough, York County, Pennsylvania

Meeting Minutes for April 2, 2012

Present

President Marlyn Stauffer
Mayor James Sanders
Vice President Dawn Roser
President Pro-Tem Dave Loeffler
Councilwoman Anne Loeffler
Councilman Dave Ritz
Councilman Wilson Heltzel

Also Present

Secretary Treasurer Deborah Corbin

Absent

Councilwoman Jennifer Ritz
Junior Council Person Jon Ritz

Absent by Request

Engineer Chad Clabaugh
Attorney Glenn Smith

I. Pledge to the Flag

President Stauffer led the April 2, 2012 Jefferson Borough Council Meeting with the pledge to the flag of the United States of America at 7:02 p.m.

II. Minutes

President Stauffer asked Council to review the March 5, 2012 regular meeting minutes. Mr. Loeffler made a motion to adopt the March 5, 2012 minutes with two corrections; Section VI, second to the last line the word “resources” was to be changed to “communities”; and Section XI, F, the contract with Hersh Concepts was to be changed to a two year contract covering 2012 and 2013 as per Mr. Hersh’s letter. Mr. Heltzel seconded the motion. The motion passed unanimously.

III. Planning Commission Report

Mr. Eiben was present to report on the Planning Commission meeting held March 21, 2012. Mr. Debrabender of CFR Development, Inc. was present with James R. Holly of Holly and Associates. The York County Planning Commission and the Borough Engineer had submitted items for review regarding the reverse subdivision plan. Mr. Clabaugh was present at the Planning Commission meeting as well. Mr. Eiben reported that CFR Development intended to take the three parcels and reverse subdivide the three parcels into one parcel. This allows for two principal buildings on the property and would accommodate the intended dual purpose structure of an apartment complex and business section. Several items would need attention regarding the development including a Zoning Hearing waiver extension for a proper building permit to be obtained, using street parameters as concrete markers of property corners, and space constraints that will bring other issues to light such as sidewalk requirements along the alleys, extensive storm water plans and provisions for proper parking. Mr. Eiben reported that the Planning Commission would meet in April to continue the review of the revised subdivision plans.

Mr. Holley of Holley and Associates stood to address Council and announced that the current plan was going to be abandoned all together due to several exorbitant costs including storm water plans and possible electric pole relocation costs. Mr. Holley then announced to Council that a new plan was being considered including five or six townhouses on the property. Mr. Holley also announced that he questioned the validity of the thirty-three foot wide right-of-way along Cherry and Cedar Streets. Mr. Holley explained that he thought the Borough adopted an ordinance back in the 1960’s that was recommended by the state to provide uniformity to road widths along major thoroughfares in townships. These right of way requirements in the Borough are wider than the available space between dwellings along the major streets. Mr. Holley felt the deed records would show that the adopted right of way widths for the Borough streets were unlawful. Research into the issue would be needed to respond to the validity of the Borough street right of way widths.

IV. Solicitor’s Report

A. Council Reduction

Attorney Smith reported to the Secretary Treasurer that the voter registration list would need to be confirmed in order to count the previous petition signatures as valid, and to ensure that the ratio of signatures to the total registered voters fall within the proper percentage to move forward with the court

hearing. Once the Solicitor could establish the petition's validity he would contact the Court of Common pleas for a hearing date.

B. Borough Street Map Ordinance

The Street Map Ordinance was submitted to the York County Planning Commission (YCPC) as an "official" map. The Solicitor provided an e-mail to the Borough that explained that the YCPC defined the parameters of "official" as a map containing several features not included in the Borough Street Map Ordinance. Therefore, the submittal of our Ordinance to YCPC was officially withdrawn for further revision. The adoption of the Borough Street Map Ordinance was tabled.

C. Electronic/Jake Brakes

The draft ordinance for the elimination of electronic brakes in the Borough was available for Council to review. Mr. Loeffler made a motion to adopt the Ordinance 2012-3 Electronic Brakes, with an addition of naming Berlin, Baltimore, York and Hanover Streets as the streets where the Ordinance applies. Mrs. Loeffler seconded the motion. The motion passed with all yea votes.

V. Engineer's Report

A. Cell Phone Tower

No revisions had been submitted to the Planning Commission for review. Nextel will have one more month to submit for review before the extension is over. A copy of the letter submitted to Nextel was available regarding the extension was available for Council to review.

VI. Residents

No residents spoke.

VII. Treasurer's Report

A. Treasurer's Report 3/5/2012

Checking / Savings

01.100.000. General Fund	\$50,046.24
30.100.000. Capital Improvement Fund	\$15,078.18
05.100.000. Parks & Recreation Fund	\$64.71
35.100.000. Highway Fund	\$2,009.45
18.109.000. CD - Centennial Fund	\$7,302.55
Total Checking / Savings	\$74,501.56

Debt

HVAC Peoples Bank	\$34,912.31
Roof and Gutter Loan Peoples Bank	\$73,371.21
<u>DCED HVAC Loan</u>	<u>\$35,560.49</u>
Total Debt	\$143,844.01

Mr. Loeffler made a motion to accept the Treasurer's Report. Mrs. Loeffler seconded the motion. The motion passed with all yea votes.

B. Annual Audit Report

Smith Elliott Kearns & Co., LLC performed the Annual Audit for Jefferson Borough. Council members were given a copy of the Management Letter and the Official Findings. There were no significant findings other than the internal control of accounting based upon the lack of employees. The Borough counteracts this finding as best as possible on a monthly basis using the auditors' advice to have reconciliations reviewed by the Finance Committee Chair, all checks prepared before signature by the President, and to have all Council members receive monthly Treasurer's Reports. Some journal entries were entered by SEK to move transactions from one account to another where the auditor felt the transactions would be best recorded. The Council was given a list of those entries in the exit report.

C. Payroll Taxes

SEK submitted a price to Council to handle all payroll taxes for the year. This service would also include the annual submissions. The current software for the payroll subscription had been paid for by the Borough for the 2012 calendar year and was supported by the mandatory purchase of QuickBooks 2012. The Secretary Treasurer explained to Council that while all payroll taxes had been paid to the

proper authorities in 2011, the taxes were not paid on a quarterly basis. This oversight on the Treasurer's part cost the Borough in fees that were then paid in 2012 to the appropriate taxing Authorities. The Treasurer offered to have the fees withdrawn from her pay. Mr. Loeffler made a motion to not make the Treasurer pay the payroll tax fees incurred for late payment in 2011. Mrs. Loeffler seconded the motion. The motion passed with all yeas votes. After review of the payroll tax service estimate from SEK Council decided that because the QuickBooks Payroll subscription had already been purchased for 2012 with the supporting 2012 QuickBooks software, that the payroll service from the auditor would be considered at the budget meeting for 2013.

D. Invoicing

The Secretary Treasurer reported to Council that there were several invoices for the collection of fees that were submitted in March, including an invoice for the Zoning Hearing costs for the Nextel cell tower. The Borough is waiting for correspondence from Nextel.

VIII. Jefferson Codorus Joint Sewer Authority (JCJSA) Report

A. Pump Agreement

The JCJSA submitted an agreement for Council's approval that would make the ownership and maintenance of the Borough building pump station the sole responsibility of the Authority. Mr. Loeffler made a motion to adopt the Agreement. Mrs. Loeffler seconded the motion. The motion passed with all yeas votes.

B. 5 Spruce Street

Mr. Tom Baum was present to discuss the sewer hook-up to 5 Spruce Street. After discussion about the Sewer Ordinance Mr. Baum opted to remove the water line to the property thereby eliminating the necessity to provide a hook-up to the damaged trailer residing on the lot. Mr. Heltzel made a motion to accept Mr. Baum's solution of disconnecting the water line to eliminate the need for sewer hook-up at 5 Spruce Street. Mrs. Loeffler seconded the motion. The motion passed with all yeas votes.

C. Attorney Letter

Attorney Smith provided a copy of the letter that would be sent to the ten residents that had not responded to the sewer installation. The Secretary Treasurer would keep a case file on each resident and report the progress to Council. The Borough will review the residents that have permits but are not hooked up during the May meeting.

IX. Zoning Officer Report

A. Permits

Two new building permits were issued in March for the total revenue of \$94.00. Several sewer permits were also issued, with only ten residences left to participate in the permit application for sewer hook-up.

B. Violations

Three violation notices were submitted in the Borough regarding building destruction, junk vehicles and alley safety.

X. Mayor's Report

Two incidents were reported in the February State Police report. No report was submitted for the March incidents by the time of the meeting.

XI. Committee Reports

A. Building Property & Supply Committee Mr. Heltzel/ Chair Mr. Loeffler/Member

1. Maintenance List

A copy of the maintenance list was submitted for Council to review. No new additions were made. President Stauffer reported that Mr. Thoman had cut the door access to the garage extension inside the shed.

2. Fork Lift

Mr. Stauffer reported that Granger would not guarantee any of the parts for the forklift. Therefore, Mr. Stauffer requested that the forklift be purchased somewhere else. Mr. Loeffler would give the Secretary the information for setting up an account with another company for the forklift purchase.

3. New Bench

The new bench frame is being cast and wood has been purchased for rebuilding the seat.

4. Salt Spreader

The purchase of the salt spreader is tabled until pricing can be reported to Council.

5. Cement Fixtures from Circle

Council discussed what to do with the bases of the cement spheres that were part of the Borough circle. Mr. Loeffler made a motion to place the spheres on bases where the flower pots were, to get rid of the remaining cement bases, and asked that the Secretary send a thank you note to Ms. Kepler for storing the cement spheres. Mr. Heltzel seconded the motion. The motion passed with all yeas votes.

6. Maintenance Man Hours

Council discussed the need to increase the allocation of maintenance hours per month from thirty hours to forty hours. This item would need to be addressed during the budget committee meetings for 2013.

7. Street Issues

The swale along Cedar Street was having debris dumped into it by a resident. President Stauffer and Mr. Thoman will place no dumping signs along the swale, and Mr. Thoman will clean out the debris dumped there thus far. Additionally, the cinder barrels need to be stored back in the Borough shed. Mr. Loeffler volunteered to assist Mr. Thoman with the barrel storage. Finally, President Stauffer requested that the Committee sit down with Mr. Thoman to re-consider the snow removal process and pay scale.

B. Finance Committee –Mrs. Ritz/ Chair Mrs. Loeffler/Member

No report.

C. Light Water & Gas Committee – Mrs. Roser / Chair Mrs. Ritz / Member

A new Light Ordinance would indicate that the SALDO would need revision and the Municipal Planning Code would need to be reviewed for accuracy about what the Borough could do to save electricity costs. These items were under review. President Stauffer reported that the shed electricity had been installed and would cost approximately \$400.00. The Borough building dusk to dawn lights had also been repaired. Mr. Loeffler asked if the lights could be replaced with cages to dissuade vandalism. President Stauffer did not think there was vandalism regarding the dusk to dawn light bulb replacements and housing repairs because no glass globes that surround the bulbs had been broken.

D. Public Safety & Welfare Committee – Mrs. Loeffler/Chair Mrs. Roser/ Member

Mrs. Loeffler attended the Fire Company meeting and reported that the Company was able to respond to all 18 calls in March and that there were seven new members conditionally accepted into the Company rosters, one being a junior member. Mrs. Loeffler also reported that Carnival assistance was being arranged and that the large ladder that was temporarily stored outside the Fire Company building was going to indoor storage. Additionally, work on an evacuation plan was still under process.

E. Solid Waste & Sewer Committee – Mr. Ritz /Chair Mr. Heltzel/Member

No report.

F. Streets & Sidewalks Committee – Mr. Loeffler/ Chair Mr. Ritz/ Member

1. Mr. Hobbs Drain Spout Issue

Mr. Loeffler and Mr. Stauffer did a site visit to determine what they could do about the complaint Mr. Hobbs had made concerning the Sewer Authority paving over the bottom portion of his water drain spout coming out of the curb. Two observations were made. One, several residents have a slight coverage of the curb drain hole by street paving, and two, the amount of coverage would not cause major backflow into a property unless pipe damage occurred within the property drain system. No other residents were reporting backflow with the same paving conditions. Mr. Stauffer reported that he would bring the issue to the Sewer Authority's attention.

2. Sidewalk Repair

Mel's Excavation submitted an estimate of \$14.50 per square foot to tear out and replace sidewalk along Hanover Street where the sidewalks need repair. The entire Borough participated in a block grant to add sidewalks to the main streets but that section of Hanover had been done years ago when the newer houses along Hanover Street were constructed. Now the old sidewalks are in need of repair and the residents have complained that they were told the sidewalk was not to be included in the block grant as the sewer pipe might tear up that section of sidewalk anyway. As the sewer system is now installed, and the sidewalk was not interrupted, Council is considering the repair costs of this section of sidewalk along Hanover Street. The total cost of the project would need to be estimated and considered whether the funds are available in this year's street repair account, or if the project would need to be budgeted for another year. All residents are ultimately responsible for sidewalk repair according to the state municipal code.

3. Sinking Grate on Spruce Street

Mr. Heltzel would look at the site and estimate whether he could get a box for the storm drain. Council considered putting a sawhorse on the site for safety and decided to keep the cone in place.

G. Web Site Committee – Mr. Jon Ritz/ Chair

Website was updated.

XII. New Business

A. Codorus Social Club Sandwich Sale

Council reviewed the Social Club's sandwich sale request for May 12, 2012. Mr. Stauffer urged Council to consider if the community yard sale was a Borough sponsored event. Council's consensus was that the yard sale was not a Borough advertised or sponsored event and therefore no response to the Social Club's request would be given.

B. E-mails as Public Record

Council was given a copy of the CGA Law Firm Municipal News article on e-mail as a public record for review. The Right To Know Law has established that a public record in the form of an e-mail is not based on whether the e-mail is sent or received on a private vs. company e-mail address, but whether the content is business related and to what extent. President Stauffer encouraged Council to consider e-mail about Borough business as a public record at all times and to continue to treat the e-mail communication between Council members and appointed personnel with the utmost respect.

C. Comcast Contract/Fire Company Status

The Secretary was unable to get Comcast Business to answer the question about offering the Volunteer Fire Company free internet access. The Secretary will follow-up on the attempt with the Comcast Business Class account department.

D. Lakeview Drive Turn-a-Round/ Penn Waste

President Stauffer explained to Council that Lakeview Street ended in a dead end with no Cherry Street access. Thus, the trash truck should back down Lakeview and stop before the Cherry Street intersect. Trashcans from the affected residents need to be placed as close to the end of Lakeview as possible for pick-up.

XIII. Old Business

A. Statement of Financial Interests

The Secretary reported missing one statement.

B. SPCA Tethering Ordinance Request

Council reviewed the Tethering Ordinance request from SPCA and discussed some difficulties with the enforcement of the Ordinance and hardship on pet owners. President Stauffer made a motion not to adopt the Ordinance suggested from the SPCA. Ms. Loeffler seconded the motion. The motion passed with one nay vote from Mrs. Roser and all other yeas votes.

XVII. Communication

- A. PSAB Up-Date & Training
- B. YC Hazard Mitigation Plan Update Notification
- C. YC Pipeline Safety Survey On-line
- D. YCCD/ JCJSA Earth Disturbance Inspection Report
- E. Realtors Assoc. of York & Adams County Real Estate Market Report

XVIII. Adjournment

Mr. Heltzel made a motion to adjourn at 10:02 p.m. Mr. Loeffler seconded the motion. The motion passed with all yea votes.

Respectfully Submitted,

Deborah Corbin
Recording Secretary
Jefferson Borough