

WRIGHTSVILLE BOROUGH COUNCIL  
MINUTES OF MAY 4, 2009 MEETING  
COUNCIL MEETING ROOM

The regular meeting was called to order at 6:30 p.m. by President Young, who led the salute to the American flag. Also present were Council members M. McDonald, E. Sipes, T. Groft, N. Habecker, J. Cressler, Solicitor Tilley who arrived at 7:00 p.m., Engineer Klinedinst, and Police Chief Pearson. Treasure Keith Brenner was not present.

PATRONS:

Scott Billet – Requested a deck variance from the 10’ setback to 6’8” on one side and 8’8” on the other for his property located at 134 Hellam Street. Mr. Habecker made a motion to approve the variance. Mr. Sipes seconded the motion. The vote passed unanimously.

Mary Heisey – Although not present, requested a variance. Mr. Habecker to review and discuss later in the meeting.

Eric White - Stated he has not seen organized speaking on Council positions.

John Shannon – Stated his concern regarding the Borough hiring of a full-time employee. Mr. Shannon feels the Sunshine Law requires the Borough to advertise the position available before hiring someone. He questioned why the Borough did not comply with the specifics of the Sunshine Law. Mr. Shannon made it known that he was not “attacking” the individual hired, nor was he questioning the individuals ability. He was questioning the hiring procedure.

Robin Geesey – Asked Council for an answer to Mr. Shannon’s question. Wondered how Council members could switch their votes in a meeting. She also made known that she felt that President Young was unprofessional by abstaining.

Annie Weirich – Questioned why Mr. McKee was driving a Borough vehicle home from work, particularly when he lives just a short distance away. She requested Mr. McKee drive his personal vehicle to and from work. Asked about the dugouts at the elementary school. She would like a speed limit sign placed on Willow Street. President Young stated she would look into this matter.

Kim Lentz – Questioned why the public is only made aware of decisions after the vote. She feels the executive sessions are being used for personal use. She feels the reason for the executive session and what can be discussed there are spelled out in the Council Handbook and she read the five items. She stated that there had been 13 executive sessions in 2008 and feels the topics were not appropriate. She stated that the Sunshine Law requires the public an opportunity to comment prior to the action, not after.

Mark Lentz – Brought up the time clock issue stating that the only time that time clocks were mentioned was in February of 2008 and the motion taken that night was withdrawn and never voted on. The time clocks were purchased in February of 2009 without approval and he feels this is money that is taken from the tax payers. He brought up the fact that a council person's Financial Interest Statement stated that they were a business entity as council president which is inaccurate.

Ed Sipes made a motion to approve the minutes

Before the motion was seconded another patron spoke.

Ruth Myers – Stated she is concerned with the Anniversary Celebration that is coming up. She stated that two council persons had told her that they thought she would be allowed to have beer on her premises. She said she would have to pay \$250 to the Liquor Control Board (LCB) and that it has to be posted for 45 days and since no one has given her a definite okay for this, there is obviously not enough time for her to post. She feels that the Mayor, being an employee of John Wright Restaurant, should be ashamed of herself for allowing the Anniversary festivities to only take place at their restaurant but that her employer should give her a feather in her cap.

Mary Heisey's variance was discussed. Mr. Habecker made a motion to approve the variance at 328 Walnut Street from the 10' setback to an 8'6" setback for her deck. Mr. Sipes seconded the motion and it passed unanimously.

Mrs. McDonald seconded the motion that was on the table to approve the minutes. Mr. Habecker questioned Mrs. Young abstaining at the last meeting in regards to the hiring of the full-time Streets Dept. employee and read from the Code of Ethics Act and also referenced the Council Handbook. He stated she was in violation of her sworn duties and she could be removed as Council person. Mr. Sipes questioned why there was never a concern before when council persons have abstained in the past. Mrs. McDonald questioned if Mr. Habecker has been telling the residents what goes on in executive session. After some arguing from Mark Lentz, he was removed by Chief Pearson. Mr. Habecker questioned why all of council were not given the credentials of individuals before they are hired. Mr. Habecker was opposed to the approval of the minutes but the vote passed with a majority vote.

Fire – No report presented

Streets – Mrs. McDonald blurted out that Mr. McKee can take the Borough vehicle home because he lives in the Borough. Mr. Cressler read the Streets report.

Recreation – Mr. Sipes stated that they are looking for volunteers for Softball/Baseball for concession stand, etc. The biggest concern has been graffiti and it's taken care of.

Police – Chief Pearson read the police report. Mr. Sipes questioned why a cruiser would chase someone out of the Borough's jurisdiction. Mr. Habecker felt Mr. Sipes giving

specifics was inappropriate. Chief explained that sometimes when they are waiting for a computer response when they run a plate, they are within their rights to follow the vehicle.

In Mr. Brenner's absence, council persons reviewed the checkbook register individually. Mr. Sipes made a motion to approve the minutes and Mrs. McDonald seconded the motion. Mr. Habecker and Mr. Groft were opposed as Mr. Brenner was not available for any explanation but the vote passed with a majority vote.

Engineer – David Miller and Associates requested additional days to complete their plan review. They should be prepared by August 3, 2009. Mr. Habecker made a motion to approve the extension. Mr. Cressler seconded the motion and the vote passed unanimously. Mr. Klinedinst inspected a dangerous building at the request of the Mayor and a letter will be forthcoming. He discussed the flood insurance rate map (FIRM). Mr. Klinedinst recommended looking inside the sewer on Locust Street with a camera. He stated that he has not heard from Royal Farms but Mrs. Young stated she had heard from them in the past and that they were hoping to start in the fall once they complete their Dover store. Mr. Habecker questioned Rutters. He stated there was substantial water on Locust Street and was concerned with when winter arrives it could be dangerous. Mr. Klinedinst recommended advising PennDot's permit office in York. Whoever holds the permit would be responsible. He thought it might be Craig Adams. Mr. Klinedinst will take care of contacting them.

Solicitor – Stated that he had talked with Mr. Klinedinst and Mr. Habecker and Mrs. Dietz regarding FIRM. He stated that council needs to adopt a Flood Plain Ordinance as it could affect resident's ability to get flood insurance. He stated that we need to look at existing ordinances and see where we comply and create an ordinance to be in compliance. Any changes will need to be reviewed by YCPC and then a hearing will be held. He feels a group of council persons and/or individuals knowledgeable with the Borough ordinances needs to get together to prepare this new ordinance. After much discussion Mr. Sipes made a motion to authorize John Klinedinst, Walt Tilley and Neil Habecker to create a flood plain management ordinance. Mrs. McDonald seconded the motion and it passed unanimously.

Mr. Tilley stated that he did some legal research that will be discussed in executive session. The topics are Locust Street and changing the designation of an employee that is authorized on the Borough credit card.

At 7:24 p.m. council broke for an executive session. The meeting was reconvened at 8:27 p.m.

Mr. Tilley informed everyone that the topics discussed in executive session were two candidates for part-time police officers, one candidate for secretary. Also, police contract negotiations were discussed, as well as the status of a storm sewer line under the abandoned Locust Street and the process of obtaining a refund from Chase Visa.

Mr. Klinedinst brought up John Wright's planning module and how they were requesting an exemption. They had a letter certifying that their waste water won't be overloaded in the next five years and the Municipal Authority certified this. He feels council should authorize the exemption. Mr. Cressler made a motion to authorize the exemption and Mr. Sipes seconded the motion. The motion passed unanimously. Mr. Klinedinst also presented a letter from DCED that \$20,485 was granted and they can now prepare the comp. plan. Mr. Klinedinst stated that two actions could be taken. One would be to authorize grant acceptance, which Mr. Sipes made a motion to do so and Mr. Cressler seconded and it passed unanimously. The second action could be for council to authorize the initiation of the project as funding is now available. Mr. Sipes made a motion to start the comprehensive plan and Mr. Cressler seconded the motion. It passed unanimously.

Mrs. McDonald made a motion to hire Dave Schopf as a part-time police officer for \$14.00 an hour with a 90-day review. Mr. Cressler seconded the motion and it passed unanimously. Mr. Cressler then made a motion to hire Chris Witmer as a part-time police officer for \$14.00 an hour with a 90-day review and Mr. Sipes seconded the motion, which passed unanimously.

Mrs. Young made a motion to hire Melissa Wirls as Borough Secretary at \$13.00 an hour with a 90-day review. Mr. Habecker seconded the motion. Mrs. McDonald was opposed but the vote passed with a majority vote. A motion was then made by Mr. Sipes to appoint Mrs. Wirls as Open Records Officer. Mr. Cressler seconded the motion and it passed unanimously. Mrs. Young read the Right-to-Know fee schedule, which will be on file in the Borough office. Mr. Sipes made a motion to approve the fee schedule and Mr. Cressler seconded the motion. It passed unanimously.

Eric White had objections to the rate. He feels the prevailing rate for this area is lower in our area. Mr. Tilley says this matter could be discussed after the meeting.

President – Informed council that they had information in front of them regarding the Power and Energy Purchase program. Property Maintenance was tabled until the June meeting. Mr. Habecker commented that he wondered if there was a committee regarding Property Maintenance. Mrs. Young requested that the information be seriously looked at before next meeting so that it can be discussed then.

Health & Safety – no report given.

Authority – Mr. Groft stated that he and Mr. Habecker and Mr. Sipes attended the Authority meeting and they were requesting that three Authority members and three Council members get together to discuss the land behind the Borough office. He stated that the Authority would appreciate it if Mr. Sipes was on the three person committee. Mrs. McDonald, Mrs. Sipes and Mr. Cressler were willing to be involved. Mr. Groft stated he would let the Authority know.

Senior Center – Mr. Sipes stated that they are looking for funds. In May they are having Weaver Eye Associates come in. May 7<sup>th</sup> they are going to the York Revolution game and then on May 28<sup>th</sup> they are going to Hollywood Casino.

Chamber news – Mr. Sipes mentioned that he attended a meeting with House of Representatives and Senator in regards to a sex offender act. They are trying to get a bill passed to only allow one sex offender per household. He also stated that last Thursday he and the Mayor attended an Emergency Management Association meeting and the swine flu was discussed. Information can be found on the cdc.gov website. He also informed everyone that in the past there was a concern that council was given a letter from a Tammy Hunter and he stated that there is not a letter. He even presented a letter from Tammy Hunter stating this fact. He clarified the issue.

Robin Geesey addressed Solicitor Tilley stating that she feels it's inappropriate for a council person to mention a lawsuit from Mark Lentz. He explained that it is a writ of summons that was received and it is public record. She questioned whether there was more lawsuits that the public is not aware of? He stated there was not.

Mr. Sipes brought in a map showing what was expected to happen on the river front; showing walking trails, etc.

At 8:55 p.m. Mr. Habecker made a motion to adjourn. Mr. Groft seconded the motion and the motion passed unanimously.

However, John Shannon stood up stating that he did not get an answer to his question. Questioned why a council person would make a motion to hire a full-time employee after stating three times that he did not have facts or figures. He feels the Sunshine Law requires public comment and advertising. He questioned Mr. Tilley on this. Questioning why he did not counsel council. Solicitor Tilley stated he would not respond to what he discusses with council. John Shannon feels it is then back on the President of Council. The Solicitor stated she did not have to answer and stated that Wrightsville Borough Council allows much more public comment than is truly required. Public comment is to be made during the public comment period regarding concerns and issues before the public. It is not intended to be a question and answer period. Mr. Shannon again asked if the Sunshine Law requires advertising. President Young and Solicitor Tilley stated that the Question and Answer period was over and the meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Bonnie Dietz  
Secretary

