

**WRIGHTSVILLE BOROUGH COUNCIL
MINUTES OF JULY 6, 2009
COUNCIL BOROUGH HALL**

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, Secretary M. Wirls, Solicitor Tilley, Engineer Klinedinst, Treasurer Brenner and Police Chief Pearson. The meeting was being recorded.

Patrons:

RESIDENT GINA FREY – Ms. Frey was seeking approval by Council for the state inspectors to come in and inspect her proposed home based business, Half Nuts. Mr. Habecker stated that there is no zoning in the Borough of Wrightsville, therefore; Ms. Frey can not technically receive an answer from the Borough Council. It was suggested that Secretary Wirls compose a letter on behalf of the Borough to be given to the State indicating that Wrightsville Borough does not have zoning and Council approval is not applicable in this situation.

RESIDENT DAN ELLER - Requested a variance at his property. Mr. Eller stated that the Borough Ordinance does not state that written permission from a neighbor is required in order for a variance to be granted, nor does it indicate that a variance can only be granted for a 3 foot setback and not on the property line. He again asked for a variance to build a 30 foot 2 story garage. Mrs. McDonald made a motion to grant the variance. Mr. Sipes seconded the motion. The motion was tabled due to the fact of the discussion that ensued. Solicitor Tilley felt that is was best from a legal standpoint for the Borough Council to adopt a policy addressing setback variances as opposed to granting variances on individual cases. This would allow the Borough to make a decision and follow it in all cases. Mr. Groft stated his viewpoint on variances and mandatory neighbor permission. Motion was not passed as no Council Member was in favor of a property line to property line variance. Mr. Eller than asked for a variance for a 27 foot garage to be built with a 3 foot setback on one side and up to the property line on the other side. Mr. Habecker explained his viewpoint on this proposed scenario. Mrs. Young asked if Council would grant a variance if Mr. Eller made the building 24 foot with 3 foot setbacks on either side as opposed to 27 foot. Mr. Eller stated that it was not possible to downgrade the size of the proposed garage any smaller than 27 feet. Mr. Groft said he would like to see Council adopt an Ordinance which gives a 3 foot setback on each side and also puts restrictions on building sizes. He felt that if it was in fact done this way, Council could stick to the Ordinance and not have to continually grant variances. Mr. Habecker agreed with Mr. Groft, saying that accessory structures should be of reasonable size with a 3 foot setback. It was suggested that Mr. Groft, Mr. Habecker, Solicitor Tilley and Engineer Klinedinst work together to amend the Building Ordinance. Solicitor Tilley stated that sometimes Council just has to deny a variance request. Mr. Groft again conveyed his

thoughts pertaining to the requirement of a neighbor's permission in order to obtain a 3 foot setback.

RESIDENT SCOTT BLYMIER – inquired as to why Mr. Habecker and Mr. Rambler had people at the Church on the Rock and commented on the activity there. Mr. Habecker stated that he was unaware he had been part of any activity at the Church on the Rock. Mr. Blymier also commented on Officer Carpenter's demeanor and how he rudely addresses residents when making complaints.

RESIDENT KENT GROVE – stated that approximately five years ago he was told by former Streets Manager Brett Raver that he was required to cut down two of his mature shade trees because the Borough was going to widen Junction Alley as mandated by the State of Pennsylvania. Mr. Grove did cut his trees, however; nothing was ever done to the alley. Mr. Grove expressed his wish for the Borough to remove the stumps and repair his yard. Borough Council and the Mayor had no idea of this situation and as Mr. Raver was no longer employed by the Borough, it would be difficult to find out exact details about the situation. Mr. Groft stated that he will ask his son Josh Groft (former Borough employee) if he was aware of anything in regards to this situation. Secretary Wirls asked to search for documentation pertaining to this matter.

RESIDENTS PAT & WAYNE SMITH - inquired as to whether or not the legal process in the matter of their neighbors could be expedited in any way. They conveyed that they are having ongoing problems with their neighbors, including things such as a fly problem, weed problems and a flea problem. The Smith's were informed that it is an ongoing process. Solicitor Tilley told Mr. & Mrs. Smith that they have rights as individuals as well and suggested that perhaps they might get further by filing their own personal complaint with the District Justice. Mr. Habecker stated that the Borough is limited in regards to the Ordinances and must follow them accordingly. If the Borough decided to get "creative", it could possibly result in the Borough violating someone's constitutional rights. Mr. & Mrs. Smith claimed they did not want to see their neighbor be fined, however; do not know what other avenue to pursue in order for them to ensure their neighbor takes proper care of his yard. It was suggested that Mrs. Wirls aid the Smith's by providing them with information in reference to the District Justice. The Smith's inquired as to who bore the responsibility of removing any weeds or poison oak growing on the neighbor's property and extending onto their property. Solicitor Tilley informed the Smith's that once something such as that is on your property, it then become your responsibility.

RESIDENT ROBIN GEESEY – stated that her sister told her the occupants at 223 Orange Street were without water and sewer and inquired about the situation at said address. Mayor Lindeman reassured Mrs. Geesey that the Borough is currently working on the situation.

Mr. Groft made a motion to approve the June Borough Council minutes. Mr. Cressler seconded the motion. The motion passed unanimously.

Short discussion followed on the subject of Sewer Ordinance 133, section 18-9, which Mr. Habecker thought might be applicable to the 223 Orange Street situation. Mrs. Geesey asked how the process worked and the process was explained to the residents.

Streets Report - The Streets Department report composed by the Streets Manager, Robert McKee was reviewed by Council members and consisted of the following:

- June 1st -5th
 - Clean storm sewer grates
 - Clean stones out of gutters
 - Fix f-350(starter)
 - Clean park areas of trash, limbs
 - Drag fields
- June 8th -12th
 - Remove all trees, brush from lime kilns (this took us three days)
 - Trim weeds at curb areas throughout town
 - Remove trash from parks
 - Drag fields
 - Took skid loader to get repaired
- June 15th -19th
 - Repair 200 block Locust St. sink holes (this took three days to complete)
 - Remove trash from parks
 - Clean storm sewer grates
- June 22nd -26th
 - Place flags along Hellem St.
 - Trim trees throughout town
 - Check all sewer grates
 - Took care of two complaints
- June 29th -July 1st
 - Clean all trucks (rain day)
 - Cleaned behind shop per Brain Lyle
 - Place barricades for 4th of July
 - Picked up skid loader

Mrs. McDonald relayed a request from a resident in regards to Barnes Alley. The resident asked that the alley not be plowed due to the narrowness of the alley and the potential for property damage to the residences there. Mayor Lindeman questioned if the melting snow could potentially cause a problem as the snow melts and runs down Hellam Street. Discussion ensued in regards to the size of the alley, melting snow and fire department accessibility.

Mrs. McDonald conveyed the concerns of residents in regards to the stop sign on Garden Avenue by the Church. The limited views were discussed along with the amount of traffic on that particular alley. Mr. Habecker asked what the Streets Department would

recommend. It was suggested by Mr. Cressler and Mrs. McDonald that a traffic study be performed. Mr. Cressler made a motion to approve a traffic study. Mr. Habecker seconded the motion. Motion passed unanimously.

A discussion was held in regards to the handicap parking spots located at the church on Locust Street. A motion was made to convert the multiple spaces to one space. The motion was tabled. It was suggested the Borough change the spots to handicap parking on only Sunday and Wednesdays. It was mentioned that for every 25 parking spaces, there needs to be one handicap space. Mr. Sipes recommended checking the attendance at the church and tabling the discussion until the next meeting so that he can have the necessary time to speak with Pastor Jim about the attendance and see just how many handicap spots are really needed. Engineer Klinedinst suggested taking a look at the possibility of angled parking.

Mrs. McDonald asked if the Borough had the right to require skirting to be placed around the bottom of mobile homes within the Borough. She relayed the fact that the majority of mobile homes located at 500 South Front Street did not have skirting which heightened the possibility of feral cats and other animals amassing underneath the mobile homes. Engineer Klinedinst stated that the Borough did not have the right to require skirting for mobile homes. Solicitor Tilley commented on the fact that the Borough would need a Property Maintenance Ordinance in order to address that issue.

Fire Report – The Fire Report was reviewed by Council and consisted of 50 total responses with an average crew size of 8 personnel. The average Fire/ Rescue response time was 1 minute 25 seconds.

Resident Bonnie Bobbit asked to speak as she had come to the meeting late and was not aware of meeting procedures.

RESIDENT BONNIE BOBBIT – explained to Council that her son had been one of the families displaced after the fire located on Hellam Street. Ms. Bobbit stated that her landlord had approximately 31 properties within the Borough and a number of them were not fit to live in. She relayed to the Council that she lives in another property owned by the same individual that owned the apartments on Hellam Street and her own apartment had mold on the ceiling, which she has informed her landlord of, yet, he refuses to do anything about it. She inquired as to what could be done. Mayor Lindeman suggested calling Code Administrators to see if they would be able to enforce anything. A discussion was held in regards to the requirements for condemning a building and what exactly the difference was between a residential building and a commercial building.

Recreation Report – Mr. Sipes made a motion to approve Pastor Jim Copulos as a new member of the Recreation Commission. Mr. Habecker seconded the motion. Motion passed unanimously.

The Recreation Board was asking Council to help with their fundraiser by selling Gianna's. The sale begins July 6th and ends July 24th.

Mr. Sipes requested that Recreation Commission member Dave Livelsberger be added to the Borough insurance in order to operate the tractor on the baseball fields. Mr. Sipes was told that Council did not have to approve the addition and Mrs. Wirls could just add him to the insurance policy.

Senior Center Report – Mr. Sipes reported that on July 23rd, free fruits and vegetables would be given out to qualifying seniors.

President's Report – Mrs.. Young asked Council members to look over the proposed Open Burn Ordinance and give any comments to Secretary Wirls before the next meeting. Solicitor Tilley commented on the fact that the DEP regulations pertaining to Open Burning are very liberal.

Mr. Groft made a motion for the approval of the Open Burn for the 2nd Quarry Club. Mr. Sipes seconded the motion. All in favor. Motion passed unanimously.

Mr. Habecker commented on the proposed Open Burn Ordinance and felt that more research and consideration would be needed. Discussion ensued in regards to Open Burn policies and regulations. Mrs. Young reminded Council that the proposed Ordinance was for review purposes and did not have to be commented on during this meeting. It was suggested that the matter be referred to the Health and Safety Committee.

Mrs. Young asked if Council members had been able to do their Walk Around's. Mrs. McDonald commented on the fact that she found it difficult to write out violations while Royal Farms was sitting in plain view and was a huge eye sore. Mr. Habecker suggested speaking to Fred Smeltzer after Mayor Lindeman asked if the building was being used for fire training purposes. The lease of Royal Farms was discussed. It was determined that Engineer Klinedinist would address the Royal Farms building issue.

Mrs. Young stated that she had been receiving multiple complaints pertaining to Motor Homes (RV's). Mr. Sipes passed around a picture of a RV with obscene graffiti on it and asked that it be removed from the street. Mr. Habecker questioned as to whether or not the Borough can prohibit a recreational vehicle from parking on the public street. Mrs. McDonald gave her opinion in regards to a Recreational Vehicle Ordinance. There was a discussion amongst Council members in regards to the size, weight and length of vehicles.

Police Report – Chief Pearson read the police report for June 2009 which consisted of: 40 calls for service, 28 traffic citations, 5 non-traffic citations for public drunkenness or disorderly conduct, 11 DUI arrests, 2 criminal arrests for drug violations, 1 motor vehicle

accident and 4 warrant services. Chief Pearson commented on the fact that Officer Shopf was doing a good job. Mrs. McDonald asked why there was no Police presence on Friday, July 3, 2009. Mr. Groft relayed that people located at North 7th and Cherry Streets have been parking on the sidewalk portion of their driveway thus blocking the sidewalk.

Treasurer's Report- Treasurer Brenner asked for Council to look at the budget for each Department because it is the half of the year. Mr. Brenner pointed out the Fire Tax revenue and gave a brief explanation. It was explained that the Borough is ahead of budget as of right now. Mr. Habecker made a motion to approve the check register. Mr. Sipes seconded the motion. All in favor. Motion passed unanimously. Treasurer Brenner stated that the Borough had a clean audit and asked for the final audit to be accepted by Council. Mr. Habecker made a motion to approve the final audit. Mr. Cressler seconded the motion. All in favor. Motion passed unanimously.

Engineer's Report – Engineer Klinedinst gave his report which consisted of the following:

1. John Wright Land Development Plan – No activity, time expires August 3rd, no action necessary.
2. Flood Ordinance Update – Participated in meeting on June 8th with Solicitor Tilley and Neil Habecker; Solicitor will address in his Report.
3. Royal Farms – No activity this month.
4. Locust Street/Cool Springs Road Drainage Issue – issued letter to Penn DOT with photographs on May 13, 2009. Site meeting held with Penn DOT and Rutters representatives on June 12, 2009; Rutters Engineer to provide plan with proposal to re-profile Locust Street (with paving) to drain most water to Cool Springs Road. No plan received to date.
5. Comprehensive Plan Update – LUPTAP Grant Documents submitted as required on May 5, 2009 for the \$20,485.00 grant. Coordinated revision of DCNR grant application with Pam Shellenberger (who did the revision), at the request of DCNR to include comprehensive Plan Update in cost, then receive 1/3 in grant; net effect is reduction of \$7,119 in Borough matching funds. No work initiated on the plan update on advice of the York County Planning Commission Plan until all grant documents are finalized.
6. Safe Routes to School – Grant awarded on May 28th to Wrightsville Borough in the amount of \$239,900.00. Penn DOT to send contract documents. Issue of sidewalk maintenance (patron comment 6/1/09) was discussed during preliminary work on the application, per Ben Baltzer, but was not resolved (focus was on the application itself). At initiation of design, comments and options can be discussed and resolved.

7. Locust Street Storm Sewer Right-of-Way – As authorized, survey conducted and plan prepared for Storm sewer replacement from Front Street to Susquehanna River. Met with Donsco representatives who are very cooperative. Borough Solicitor prepared easement agreement. Upon approval of easement by Council, will forward plan to Donsco for signature. Work reviewed with Bob on June 23rd; construction this summer.

Engineer Klinedinst recommended the approval of the Comprehensive Plan Contract Proposal. Mr. Sipes made a motion for approval. Mrs. McDonald seconded the approval. All in favor. Motion passed unanimously.

Mr. Klinedinst recommended the ratification of the Comprehensive Plan. Mr. Habecker made a motion to ratify the Comprehensive Plan. Mr. Groft seconded the motion. All in favor. Motion passed unanimously.

Engineer Klinedinst recommended the approval of the Donsco Easement Agreement. Mr. Habecker made a motion for the approval. Mr. Cressler seconded the motion. All in favor. Motion passed unanimously.

Solicitor's Report – Solicitor Tilley stated that there was good progress on the Floodplain Ordinance and that there were some changes that had been made. Mr. Tilley relayed that he had already forwarded the Ordinance draft onto the DCED and asked for permission to forward the draft onto L and I. It was also suggested to forward the draft onto the York County Planning Commission. Solicitor Tilley stated that the goal was to have approval of the Floodplain Ordinance at the September Council meeting or earlier if feasible. It was stated that the proposed Ordinance would need to be advertised. Mr. Habecker made a motion to forward the Ordinance draft as suggested by Solicitor Tilley. Mr. Sipes seconded the motion.

Health & Safety Report – It was stated that the Ordinances might not be applicable in the situation of vehicles obstructing the sidewalk when parked in their driveway.

Mayor's Report- Mr. Kreider (owner of 333 Walnut Street) gave his presentation as to why he was appealing the decision to declare 333 Walnut a dangerous building. Engineer Klinedinst stated that the support wall was rotating and if it rotates too much, there will be nothing to support the porch. Mr. Habecker informed Mr. Kreider that the building codes required the beams to be vertical and this is not the case with the porch at 333 Walnut Street. Mr. Kreider conveyed his feelings that the issue with the porch was more of a cosmetic issue than a structural issue. Mr. Habecker made suggestions as to what Mr. Kreider could do in order to rectify the situation. Mr. Kreider asked if he had a deadline in regards to the porch repair. Mayor Lindeman told Mr. Kreider that he had 30 days in which to fix the porch and that he would not need a permit in order to repair the porch.

Authority Report – none

Chamber News Report – none

Executive Session - Council entered an Executive Session at 9:01pm and reconvened at 9:29pm. Upon Council's return from Executive Session, Solicitor Tilley announced that they had discussed payroll raises for 2 Full-Time Police Officers. Mr. Habecker made a motion to approve a 2.5% raise for Officer Jeffries. Mr. Sipes seconded the motion. All in favor. Motion passed unanimously. Mr. Habecker made a motion to approve a 2.5% raise for Officer Carpenter. Mr. Cressler seconded the motion. All in favor. Motion passed unanimously.

Mr. Sipes made a motion to adjourn the meeting. Mrs. McDonald seconded the motion and it was unanimously agreed to adjourn the meeting at 9:36 p.m.

Respectfully Submitted,

Melissa B. Wirls

Melissa Wirls
Secretary