

**WRIGHTSVILLE BOROUGH COUNCIL
MINUTES OF JUNE 1, 2009
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, Secretary M. Wirls, Solicitor Tilley, Engineer Klinedinst, Treasurer Brenner and Police Chief Pearson. The meeting was being recorded.

Ceremonial Items:

Presentation of commendations given to resident Brian Lyle and Officer Josh Keller for playing an active part in the apprehension of a bank robbery suspect.

Executive Session:

Borough Council broke for an executive session at 7:03pm and reconvened at 7:39pm. Solicitor Tilley announced that during the Executive Session, employee performance and discipline issues were discussed.

Patrons:

Treva Wagner expressed concern regarding her neighbor's swimming pool and the lack of proper protective fencing. Mayor Lindeman addressed the issue, stating the matter has been referred to Code Administrators and suggested Ms. Wagner give her phone number to the Borough Secretary for an update.

Sandy Waugh conveyed her curiosity pertaining to the paper circulating around town in regards to the Mayor and Council getting rid of the Police Chief. Mayor Lindeman adamantly denied the suggestion and stated the Borough has hired 2 new officers and the police force is not going anywhere anytime soon. The Mayor said she was extremely upset by the circulating flyers and rumors going around town indicating Borough Council's wishes to remove the police force. Ms. Waugh also inquired about alcohol being served during the 175th anniversary celebration on May 24, 2009 at the John Wright Store and Restaurant. It was stated that the alcohol was not served by the 175th committee but rather the John Wright Store and Restaurant and no alcoholic beverage could be taken off of the patio. Lastly, Sandy Waugh asked when something could be done about the vehicle ordinances and told council that her neighbor has 5 cars which takes up a lot of space. It was stated that Council Vice-President Ed Sipes had an upcoming meeting with the vehicle owner and will discuss it with them. Additionally, Police Chief Pearson relayed that he spoke with the owner and they will no longer be parking in the handicap spot.

Dan Eller requested a setback variance for his property located at 240 Hellam Street. He stated he would like to build a 2 story 30' x 24' garage, and Council reviewed copies of Mr. Eller's plans. Discussion ensued in regards to permission letters written by Mr. Eller's neighbors. Mr. Eller was able to provide a letter from one of his neighbor's giving permission for his intended plans but Mr. Eller stated that his neighbors located at 242 will not sign a letter giving him permission. His neighbors had indicated to him that they will leave the decision up to council. Changing the building length from 30' to 27' was discussed. Mr. Habecker said Mr. Eller would need written permission from 242 Hellam Street and does not recommend Council approving the variance without permission from them. Mr. Groft expressed his discontent with a resident needing permission from both neighbors. Mr. Habecker repeatedly stated that historically, Wrightsville Borough has never granted a variance with anything less than a 3' setback. Engineer John Klinedinst stated he felt a 3' setback was reasonable and recommended. Mr. Habecker said that Council would be willing to go with a 24 foot building with a 3 foot variance on either side, but Mr. Eller would need permission from the owners of 242 Hellam Street. Solicitor Tilley asked what the established Board policy was in regards to this, recommended following any policy and asked what the setback was as indicated in the Ordinance Book. Mr. Habecker replied that the Ordinance Book stated a 10 foot setback, however; historically, Council has granted 3 foot variances. It was suggested by Mr. Habecker that he go along with Mr. Eller to discuss the situation with his neighbors at 242 Hellam Street.

Robin Geesey questioned as to whether or not the 2 part-time police officers had started yet. Police Chief Pearson stated that one of the officers had received his certification and is ready for work; however they were still waiting for certification on the other officer. Ms. Geesey, speaking on behalf of her sister-in-law, relayed to Council, the situation she was having with another resident picking out of the recycling bins around 7am in the morning. She also inquired as to whom received the recycling grant and indicated that she felt allowing a citizen to do so, would be taking money out of the resident's pockets. Police Chief Pearson stated that the resident would be cited if caught.

Dave Splain inquired about the Burn Ordinance and said that they have been doing a controlled burn for the past 27 years. Mr. Splain asked if they were still permitted to do so. Mayor Lindeman stated that the Council would have to approve because there is in fact a Burn Ordinance in Wrightsville. Mr. Splain explained that he has always simply called 911 to report that there will be a controlled burn. It was stated that a resident can technically be arrested for a patio burn. Discussion was held in regards to chimineas and if they are permitted because they are a contained. Solicitor Tilley suggested looking into perhaps changing the Burn Ordinance, more specifically the Open Burn policy. Engineer Klinedinst commented on the fact that the Environmental Protection Agency should perhaps be contacted before changing any Ordinance due to the fact that is always the chance of being stripped of grants if the Burn Ordinance is changed. Mayor Lindeman made it known that the Borough was not allowed to

burn on Clean Up Day and there are not exceptions for even the Borough. Another resident offered use of his trailer to take the recycling for Mr. Splain. Solicitor Tilley said he would have to take a better look at the Burn Ordinance. A few residents questioned the furnace portion of the Burn Ordinance and inquired as to what exactly falls under the category of a furnace. Mr. Habecker suggested contacting the Borough's Association in regards to any existing sample ordinances pertaining to open burn. Solicitor Tilley stated that he thought the Borough had in fact passed the DEV model ordinance. Police Chief Pearson stated that the biggest complaint is people burning trash and paper goods as opposed to wood. It is what they are burning and the smells associated with it that are the problem. It was suggested that Solicitor Tilley and Borough Secretary Mrs. Wiris look into the Open Burn situation.

Glenn Lehigh addressed the Council in regards to the Safe Route to School and the extension of the sidewalk along Orange Street and Third Street. He was concerned about the large amount of sidewalk that residents will have to maintain, particularly the elderly residents. Engineer Klinedinst felt this was a valid concern and indicated the path was decided along with the school and as of yet, maintenance has not been discussed. Mr. Klinedinst said he would look into it and check back in with Council.

Mr. Groft made a motion to approve the May minutes. Mr. Cressler seconded the motion. Motion passed unanimously.

A short discussion was held in regards to not needing a permit for a personal walkway. It was stated that while a resident needs a permit for doing work on a public sidewalk, none is needed if only doing the work on a personal walkway.

Kevin Fedors wanted to thank the Police for helping to alleviate the drug and drinking activities around the area of 2nd Street and Locust Street. Mr. Fedors asked that residents be very aware of drug activity in the area. He requested that neighbors be on the look out for any suspicious vehicles and to pay close attention.

Fire Report – No report given.

Recreation Report – Mr. Sipes stated that there were a few fundraisers going on. He asked if a free standing trophy case could be placed in the Borough Office and is seeking approval from both the Borough Council and the Municipal Authority. A lot of trophies were found and the Recreation Board would like to display them. Mr. Sipes said that either Mr. Groft or he would take the matter to the Authority meeting for their approval.

Police Report – Chief Pearson read the police report for May 2009, which consisted of 37 Calls for Service; 28 Traffic Citations; 11 Non-Traffic Citations for

Public Drunkenness or Disorderly Conduct; 15 DUI Arrests; 2 Criminal Arrests for Drug Violations; 4 Motor Vehicle Accidents; 2 Warrant Services.

President's Report – Mrs. Young requested that Council members do their Walk Arounds before the July Council meeting. Mayor Lindeman offered to go along with any Council member that wanted her assistance.

Mrs. Young asked Council members if the Property Maintenance issue would be tabled again or if they could discuss it. Mr. Habecker was curious to know the thoughts of the other Council members in regards to the Property Maintenance issue. It was said that it could either be a good or a bad thing for the Borough. Mr. Cressler felt that in adopting the Property Maintenance, it would be placing a lot of power outside of Council's hands. It was suggested that perhaps there should be a mechanism in place so the Borough could stand in the middle between the resident's and Code Administrators. Mr. Tilley asked if perhaps adopting Property Maintenance could be considered an answer in search of a problem. Mr. Groft declared that Eric White's comments from a previous meeting really opened his eyes and he is fearful of residents being fined when they aren't aware that they were violating anything. Mr. Habecker felt that there was the possible potential for abuse should Property Maintenance be adopted. Mrs. Young suggested that Mr. Groft, Mrs. McDonald and Mr. Cressler meet with Lori from Code Administrators. Mr. Habecker indicated he would feel better making a decision after hearing more from the residents because this is a very hard decision for Council to make. He suggested more community input. Mr. Groft asked if information could be placed in the quarterly newsletter in regards to Property Maintenance. Discussion was held in regards to having Code Administrators come to a Council meeting to better inform residents and it was decided that August would be the month where Code Administrators could give a presentation to the community. Mrs. Wirls was asked to set everything up with Code Administrators. Mr. Sipes questioned the capacity of Borough Hall and wondered if perhaps the school could be used for the August meeting.

Treasurer's Report- Mr. Brenner brought attention to the front page highlights of his report and explained the SCPA, Aflac and YATB amounts. He explained monetary information pertaining to the 175th Anniversary and stated that the only outstanding invoice is from the basket purchase. Mr. Sipes made a motion to approve the Treasurer's Report. Mrs. McDonald seconded the motion. Mr. Groft questioned the T&W amount on the report and Mr. Brenner explained. Mr. Sipes inquired about the PP&L amount regarding the Recreation and Treasurer Brenner gave him an explanation. Motion passed unanimously.

Mrs. Young made an announcement regarding a sub sale beginning June 22nd, benefiting the 175th Anniversary. It was announced that pick up date would be July 1st and Packy (Janella Englehart) or Mr. Sipes could be contacted for orders. Subs will be \$4.

Mr. Habecker asked about the budget for Recreation lighting and Mr. Brenner confirmed there was a budget for recreation lighting and it was located on page 3 of the annual budget. Mr. Brenner presented Resolution 2009-4 and explained that the resolution was to designate 2 people as delegates for the York Adams Tax Bureau, and those two people typically consisted of the Treasurer and the Borough Secretary. Mr. Groft made a motion to accept Mr. Brenner as the YATB delegate and Mrs. Wirls as the alternate. Mr. Habecker seconded the motion. Motion passed unanimously.

Mr. Brenner stated that the Auditors report was finished and an exit meeting needs to be scheduled. He asked if any of the Council members would be able to meet with him, the Auditors and the Borough Secretary. Mr. Brenner suggested 4:45pm on June 3rd and Mrs. Young agreed to be one of the Council members present at the meeting. Mr. Habecker said he would make himself available.

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

1. There is currently no activity on the John Wright Development Plan. The time expires on August 3, 2009.
2. There is an initial meeting in regards to the Floodplain Ordinance set up with Solicitor Tilley and Mr. Habecker.
3. No activity on Royal Farms this month.
4. The storm drainage problem in the area of Alley B & Walnut / Locust Streets was reviewed with Councilwoman McDonald. It was determined the Borough holds no responsibility for the alley due to the fact the alley is private. Solicitor Tilley concurred.
5. A letter with photographs was issued to Penn DOT on May 13, 2009 in regards to the drainage issue on Locust Street and Cool Springs Road. To date, there has not been a response. Representative Gillespie was copied in the letter. At the moment, the permit issue with Rutters store is slowing down the process.
6. LUPTAP Grant documents were submitted on May 5, 2009 for the \$20,485.00 grant. Based on the advice of the York County Planning Commission, no work has been initiated on the plan update and will not be until all grant documents are finalized.
7. Mr. Klinedinst inspected a potential dangerous building located at 306 Cherry Street per the Mayor's request. A letter was issued on May 6, 2009 indicating the building was declared a dangerous building.
8. Penn DOT will be sending documents regarding the Safe Routes to School grant awarded to Wrightsville Borough in the amount of \$239,900.00 on May 28, 2009.
9. A new County Act 167 Storm water Study is currently in developmental stages. Engineer Klinedinst indicated that the Borough's Storm water Ordinance will need to be updated in the near future; most likely 2010.

10. Mr. Klinedinst met with Donsco representatives in regards to the Locust Street Storm Sewer Right-of-Way. Engineer Klinedinst conducted the survey as authorized and prepared a plan for storm sewer replacement from Front Street to the Susquehanna River. Once Council's approval is granted, Engineer Klinedinst will forward the plan to Solicitor Tilley for preparation of easement agreement.
11. Annual MS4 reports have been submitted.

Solicitor's Report – As stated on the agenda, Solicitor Tilley made it known to Council and residents that open positions do not need to be advertised.

It was asked if the Flood Plain meeting could be conducted at Borough Hall on June 8th at 6pm.

Mayor's Report- It was decided that Council should proceed on 333 Walnut Street being declared a dangerous building and deny the appeal by owner Mr. Kreider. Solicitor Tilley recommended a brief presentation on the conditions of 333 Walnut Street. Mr. Klinedinst gave a brief presentation stating the concrete pillar has rotated and the porch is only resting on ½ of a pillar. Motion to proceed with denying the appeal was made by Mr. Habecker. Mr. Sipes seconded the motion. Motion passed unanimously.

Church on the Rock was briefly discussed and Ms. Wirls indicated that Kevin from Code Administrators needed Borough approval before enforcing violation notices. He was given approval and told to proceed.

Mrs. McDonald asked Mayor Lindeman is the time clock at the Police Station is used and requested they use it. Mrs. McDonald made a motion for both the time clock in the Police Station and the time clock in the Borough office to be used. Mr. Cressler seconded the motion. Mr. Habecker stated his concern and asked if perhaps a written policy could be created regarding the use of time clocks instead of simply making a motion. It was stated that the Police do log in and out with the County whenever they are on duty. Mrs. McDonald asked what the big deal was about simply punching in and out. Mayor Lindeman asked Chief Pearson if the officers log in their time when they go to court and he replied with a yes. Motion passed unanimously. Mr. Groft said he had no problem with using the time clocks on a trial basis and agreed with Mr. Habecker that there should be a written policy in place. It was stated that a policy should be brought before the Council next month and that the Chief does not have to use the time clock because he is salary but the officers do.

Health & Safety Report – no report given.

Authority Report – Mr. Groft said he and Mr. Sipes would be attending the next Authority meeting.

Senior Center Report – Mr. Sipes reported the upcoming distribution of flyers announcing the free food vouchers available in July.

Chamber News Report – no report given

Streets Report- Mrs. McDonald announced the need for about \$10,000 of work to be done on the skid loader and the invoice will be split with the Municipal Authority. Mrs. Young stated that someone will need to discuss things with the Authority. Mr. Groft suggested for someone to get estimates for work to be done and estimates for a new skid loader so they can be compared. It was determined that Bob McKee (Streets Supervisor) would obtain the estimates.

Chief Pearson spoke up and commented on the fact that never once has he worked anywhere where an officer had to utilize a time clock and asked what Council was afraid of. He also asked if Council felt they were being cheated. Mrs. Young commented on the fact that it would be easier to track. Mrs. McDonald again asked what exactly the big deal is.

At 8:57 p.m. Mrs. McDonald made a motion to adjourn. Mr. Groft seconded the motion and the motion passed unanimously.

The meeting was adjourned at 9:01 p.m.

Respectfully Submitted,

Melissa Wirls
Secretary