

**WRIGHTSVILLE BOROUGH COUNCIL  
MINUTES OF AUGUST 3, 2009  
BOROUGH HALL**

The regular meeting was called to order at 6:31 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. Wiris, Solicitor Tilley, Engineer Klinedinst & Police Chief Pearson. Treasurer Brenner was absent.

**Patrons:**

SAM KOCHER– requested a variance for a new garage to be built with a 3 foot setback from the property line. Mr. Kocher provided documentation for Council’s review which included a sketch plan and a signed letter from his neighbor which stated their approval of the proposed setback. Engineer Klinedinst stated that he saw no issue with granting the variance. Mr. Sipes made a motion to approve the variance. Mr. Groft seconded the motion. Mr. Habecker abstained from voting due to a conflict of interest, as he was a potentially bidding on Mr. Kocher’s project. All in favor. Motion passed unanimously.

JACK LEAHY – explained to Council that he does contracting within the Borough and felt that curbs and sidewalks were an important infrastructure in the Borough and in seeing how the sidewalks were constructed in a recent project on Locust Street, it concerns him. Mr. Leahy stated that the sidewalks in said project were not crafted in accordance with Wrightsville Borough Ordinances. The discussion was tabled until the Engineer’s report.

KENT GROVE- wanted to follow up on his request made at the July Borough Council meeting in regards to the removal of his shade trees and Borough compensation and removal of tree stumps on his property. Mr. Habecker expressed extreme reservation against touching private property because of gas lines, etc. Mayor Lindeman stated that she remembered former Streets Supervisor Brett Raver wanting to do a project in that alley; however that was the extent of her knowledge in regards to the alley and Mr. Grove’s tree situation. Council agreed that it was a situation that should never have happened but at this time they do not know how to handle it. It was suggested that Secretary Wiris look at the minutes from 4-5 years ago and to conduct research in hopes of finding some documentation to substantiate Mr. Grove’s claims.

MARLENE LAWRENCE – expressed concern about seeing black snakes in her neighborhood and felt that they were originating from a specific property. She asked what, if anything is being done in regards to the property located at 223 Orange Street. Mayor Lindeman assured Ms. Lawrence that the Borough is in fact taking care of the problem.

DIANE LEIBHART – stated that she was going to address the problem at 223 Orange Street as well. A brief discussion followed in which Solicitor Tilley stated that unfortunately the judicial process can take some time and should a Municipality rush a situation, it leaves open the possibility of mistakes and potentially violating someone's constitutional rights. Solicitor Tilley said that action is in fact being taken.

ROBIN GEESEY – wanted to address what Eric White had written in the paper in regards to the Police budget. Ms. Geesey acknowledged that the Borough was under budget in regards to the police force; however, the Borough does not have adequate police coverage. She expressed her concern of having 2 police officers off on the 4<sup>th</sup> of July.

ROXANNE MILLER- asked if there was an Ordinance pertaining to the amount of people living in one home. Ms. Miller stated that her family was having numerous issues with their neighbors located at 513 Cherry Street. Solicitor Tilley stated that the Fair Housing Act and Federal laws limit the Borough from having Ordinances limiting the number of people living in one dwelling. It was determined that Secretary Wirls would take pictures of the property next to Ms. Miller's and take action as needed.

ANNIE WEIRICH – addressed the lawsuits involving the Borough at this time and asked if there was any monies set aside for each Council member to cover legal fees. Ms. Weirich stated that if there was no money allotted for Council members for legal fees, the money spent on a certain Council member should be reimbursed to the Borough. President Young said that it will be looked into. Ms. Weirich also expressed her concern over the amount of people living in a property located at 513 Hellam Street.

ERIC WHITE – addressed Ms. Geesey's concerns in regards to the letter he wrote to the paper pertaining to the Police budget. He stated that his purpose in writing the letter was to produce some positive press for the Borough. Mr. White commented on the fact that his intent was not to support the Police but rather wanted to have positive press for Wrightsville Borough. Mr. White informed Council of the Broadband USA program and gave information to Secretary Wirls for her follow up. Mr. White stated that Comcast seemed to be the only option of internet service for residents of the Borough, as other companies are refusing to set up new accounts within the Borough. He felt that the Broadband USA might be a nice opportunity for the Borough.

SCOTT MCDONALD – stated his concerns and issues with the Ordinances and the permit process. Mr. McDonald expressed his disappointment in the lack of ADA compliant sidewalks within the Borough and shared his opinion in the poor condition of most sidewalks within the Borough. He was confused as to why the Borough was seemingly targeting him in regards to his sidewalk and the projects he was currently working on. Mr. Habecker addressed Mr. McDonald's concerns

by stating that there is a Sidewalk Ordinance and explained the Ordinance in detail. Mr. Habecker stated that the work done on Mr. McDonald's sidewalk was in violation of the Ordinance for various reasons. He further explained that the Borough received multiple complaints in regards to his sidewalk and the Borough is required to investigate and act upon any complaints. Engineer Klinedinst commented on the sidewalk at 121 Locust Street and explained why it was not in compliance with the Sidewalk Ordinance. Mr. Habecker again explained the process of why Mr. McDonald's sidewalks are in violation of the Ordinances, how the situation has evolved, and what needs to be done pertaining to the sidewalks.

SANDY WAUGH – commented on the state of sidewalks within the Borough and declared that the town needs to be cleaned up.

Mr. Sipes made a motion to approve the July 2009 minutes. Mrs. McDonald seconded the motion and the motion passed unanimously.

Council broke for an Executive Session at approximately 7:25pm. Mr. Habecker did not participate in the Executive Session. Mr. Groft came out of Executive Session at approximately 7:37pm. Council reconvened at approximately 7:46. Solicitor Tilley stated that in Executive Session, personnel matters were discussed and there were several issues that Council was looking into.

POLICE REPORT: 50 calls for service, 42 traffic citations, and 6 non traffics citations for public drunkenness, disorderly conduct or curfew, 11 DUI arrests, 5 criminal arrests for drug violations, 5 motor vehicle accidents, and 4 warrant services.

When it was asked if anyone had any questions for Chief Pearson, Mrs. McDonald asked if Borough Council was able to determine what hours the Police Force covered. Mr. Tilley began to explain that Council was able to stipulate in the budget how much monies were set aside for Police payroll. Mrs. McDonald interrupted to ask again if Council had the right to determine the hours. Mrs. McDonald stated that she wanted Police coverage all night long and that it was wrong not to have 24 hour coverage. Mrs. McDonald demanded that something be done. Mr. Groft declared that Council should not be looking at the personnel files and asked Solicitor Tilley if Council was allowed to search through personnel files. Solicitor Tilley stated that Council was not permitted to do so. Mr. Groft adamantly asked for the removal of Mrs. McDonald from both the Streets Department Committee and the Personnel Committee. A loud and chaotic discussion ensued. Mr. Habecker demanded that as Council President, Mrs. Young take care of the situation. Mrs. Young asked Mrs. McDonald multiple times to calm down. Mrs. McDonald was removed from the meeting due to her behavior per President Young's order and while being removed, said personal and slanderous remarks about both Mrs. Young and Chief Pearson.

ENGINEERS REPORT: Engineer Klinedinst gave his report which consisted of the following:

1. John Wright Land Development Plan –Time expires August 3<sup>rd</sup>; letter dated July 28 requests an extension of time until February 2, 2010.
2. Flood Ordinance Update is complete and ready for adoption.
3. Royal Farms – No activity during the past 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 – Total project cost is \$80,195 (Comp Plan Update \$40,970 and Riverfront Park Master Plan \$39,225). Funding makeup is YCPC \$15,000, DCED \$20,485, DCNR \$26,732 (pending), and Borough \$17,978. No work has been 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 28<sup>th</sup> to Wrightsville Borough in the amount of \$239,900.00. Penn DOT to send contract documents. No activity during the past month.
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. Work reviewed with Bob for materials, and Bob to secure easement signatures from Donsco; construction this summer.
8. Miscellaneous – inspected curb/sidewalk construction at Locust/2<sup>nd</sup> Street on July 15th, issued e-mail report of non-conformance.

Engineer suggested the Council approve the time extension request for the John Wright Development Plan. Mr. Habecker made a motion to approve the request. Mr. Groft seconded the motion. All in favor. Motion passed unanimously.

SOLICITORS REPORT: Solicitor Tilley stated that the Floodplain Ordinance was ready for adoption. He explained that there would need to be a Public Hearing held during the regular Borough Council meeting to consider the adoption of the Floodplain Ordinance. Solicitor Tiller asked for Council's approval for the advertisement in relation to this and to schedule the adoption for the September meeting, as the Floodplain Ordinance must be in place before September 25,

2009. The motion to authorize the advertisement was made by Mr. Habecker. Mr. Cressler seconded the motion. All in favor. Motion passed unanimously.

**TREASURERS REPORT:** In the absence of Treasurer Brenner, Secretary Wirls gave the report and commented briefly on a few key points such as the Auditor's bills, the Engineering bills pertaining to the Comprehensive Plan, and charges incurred in relation to the skid loader. Mr. Habecker made a motion to accept the check register. Mr. Sipes seconded the motion. All in favor. Motion passed unanimously.

**PRESIDENTS REPORT:** President Young explained why the Council did not use the school building for the meeting and stated that Mrs. McDonald had been working with the school and she could better explain how the school building rental process worked.

Mrs. Young made it known to the other Council members that she had Secretary Wirls looking into obtaining her notary certification, as it could be very beneficial to the Borough to have an in-house notary. Mrs. Young asked Council what their thoughts were pertaining to this. Mr. Groft asked what exactly the legalities were if Mrs. Wirls, as the Secretary, became a notary. The issue was tabled. Council members were given copies of the proposed RV / Large Vehicle Ordinance and asked to look them over. Topic was tabled until all of Council had reviewed the proposed Ordinance.

**STREETS REPORT:** Council reviewed the copies of the Streets Report composed by Streets Department Manager Bob McKee.

Mrs. Wirls brought to Council's attention that a handicap spot located at 620 Locust Street was in place; however, the resident that had applied for the spot was deceased and had been for approximately a year. The decision was made for Mrs. Wirls to contact the owner and explain that if he chose to use the spot, he would need to apply for the spot in his own name; otherwise, the special parking sign would need to be removed.

Council looked over the Handicap Parking Space Application from resident Rodney Crumbling at 614 Locust Street. Mr. Habecker made a motion to approve the placement of a handicap sign for Mr. Crumbling at 614 Locust Street. Mr. Sipes seconded the motion. All in favor. Motion passed unanimously.

Council reviewed copies of the blinking light donation request from the Eastern York School District. Discussion ensued in regards to the topic. Mr. Habecker made a motion to approve the donation of the light to Eastern York School District. Mr. Groft seconded the motion. All in favor. Motion passed unanimously.

Secretary Wirls explained the weed situation located at 119 Maple Street and informed Council that the homeowner had contacted her to tell her that he has just had surgery and was unable to perform yard work at this time. Council suggested possibly contacting the Boy Scouts or a group along those lines that may be able to help the resident out. Council all agreed that despite the resident's health, the yard needed to be maintained.

Mr. Sipes told Council that he had met with Pastor Jim Copulos and after investigating the matter, he saw that 2 of the handicap signs allow a person to park there any day except for Sunday. Mr. Sipes also stated that the church does in fact qualify for 2 handicap spots on the street. Resident Sandy Waugh declared that she would be checking on the situation and watching to see who parks in those spots. Pastor Jim Copulos explained the church's need for the 2 handicap spots and stated that he had removed 2 of his own personal vehicles on the street in order to allow more parking spaces for residents. President Young confirmed that the situation would be monitored.

RECREATION REPORT: Mr. Sipes informed Council that there were 2 open positions on the Recreation Commission Board due to a resignation and to Commission member missing too many meetings.

Mr. Sipes stated that he had been contacted by a softball team from Columbia and they were seeking permission to use the baseball field in September. There was the question of liability and who would be responsible. Mr. Habecker questioned the maintenance of the field while the Columbia softball team was using it. Mr. Sipes informed Council that Mr. Dave Livelsberger would be taking care of the maintenance. He also relayed that the Borough would incur no cost by allowing the Columbia softball team to use the field and in fact, the Recreation Commission can make money by operating the concession stand. It was decided that Mr. Sipes would discuss the liability issue with Solicitor Tilley.

SENIOR CITIZEN REPORT: Mr. Sipes explained that the Senior Center was in need of canned fruit and vegetables. Items can be dropped off at the Borough office or at the Senior Center.

Mr. Sipes also informed Council that the Senior Citizen Center was doing a sub fundraiser for \$4 per sub to be delivered on Tuesday, August 25, 2009.

A meat bundle raffle is in the works in cooperation with Sue's Market.

The fresh fruit & vegetable vouchers given to Seniors was a success with 72 seniors receiving vouchers.

HEALTH & SAFETY REPORT: Mr. Habecker informed Council that the Fire Department was involved in the research and construction of the proposed Open Burn Ordinance. Mr. Habecker briefly explained about Section 7 on page 2 of the proposed Open Burn Ordinance and stated that it would most likely be excluded from the Ordinance all together. He said that perhaps next month, he would be in a better situation to discuss the proposed Ordinance in more detail.

MAYOR'S REPORT: Mayor Lindeman stated that she felt the outburst that happened earlier was ridiculous and said that the 24 hour coverage wanted by many residents was very close at hand.

MUNICIPAL AUTHORITY REPORT: Mr. Groft told Council he had not attended that July Municipal Authority meeting because he had forgotten.

Solicitor Tilley requested an Executive Session at approximately 8:43pm. Council reconvened at approximately 8:59pm. President Young asked the audience to refrain from any emotional outbursts when the reason for the Executive Session was stated. Solicitor Tilley declared that the Executive Session was held in order to discuss the future of Mrs. McDonald's role as a Council Member. President Young informed the audience that upon advice from the Solicitor and with Council's support, Mrs. McDonald would be removed from both the Streets Department Committee and the Personnel Committee.

It was also stated that Council would implement a policy in relation to Council Members contact with office documentation. Should a Council Member be in need of office documentation, they must now request that documentation from Secretary Wirls. If the documentation has anything to do with the Police Department, Mayor Lindeman is to be consulted and for any other type of documentation, President Young should be consulted.

Discussion followed in regards to the legal fees Annie Weirich had inquired about earlier in the meeting. Solicitor Tilley explained his involvement in the lawsuits facing the Borough at this time and why the Borough was billed for that time.

Mr. Sipes stated that he forgot to address the Susquehanna Valley Chamber of Commerce picnic in September and asked that any interested Council Members let Secretary Wirls know of their interest in attending.

Mr. Groft made a motion to adjourn the meeting. Mr. Cressler seconded the motion and it was unanimously agreed to adjourn at 9:09 p.m.

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Respectfully Submitted,



Melissa Wirls  
Secretary