

WRIGHTSVILLE BOROUGH COUNCIL  
MINUTES OF APRIL 7, 2008 MEETING  
COUNCIL MEETING ROOM

The regular meeting was called to order at 7:00 p.m. by President Young, who led the salute to the American flag. Also present were Council members L. Kirkessner, M. McDonald, E. Sipes, T. Groft, N. Habecker, Mayor Rambler, Solicitor Tilley, Engineer Klinedinst, Treasurer Brenner and Police Chief Pearson. The meeting was being recorded.

PATRONS: Anita Gutierrez located at 618 Locust Street had a complaint about her neighbors, who are deaf, are allowing her son to have a "bird mill" in their basement. The SPCA checked in to the matter and although there were 29 birds they were not sick or in danger so they were not able to assist with the problem. The birds are loud and obnoxious but Ms. Gutierrez was also concerned with the health factor of bird feces being toxic. She stated the Department of Health cannot be of any help. She wrote a letter to the neighbor and to the son but he will not move them. Solicitor Tilley recommended she contact an attorney for an injunction to remove as the Borough does not have an ordinance regarding birds and the Borough does not have zoning that would regulate home occupations.

Jack Nace requested a variance. He wants to add on a bedroom for his terminally ill father-in-law but the distance from the side property line would only be 7 feet (not the required 10 feet). The neighbor provided a letter stating there is no objection on their part. Mr. Habecker made a motion to approve the variance. Mr. Sipes seconded the motion. Motion passed unanimously.

Martin Peak on behalf of Bud Livelsberger, read a letter alleging that Mrs. McDonald has harassed him. Due to the threat of litigation and the fact that it is a personnel matter, Solicitor Tilley suggested this matter be discussed during an executive session. Mr. Peak also mentioned a resident on Chestnut Street having loose trash. He was informed that's an Authority matter.

Robin Geesey had budget questions. Wondered why the utility bills were high and did not say split. Secretary Dietz explained that the utility bills are split quarterly. Ms. Geesey also mentioned that office phone usage was way down. She stated that since it was not budgeted for repairs for the police vehicles that area was over budget. She also mentioned that the Solicitor fees were over. She questioned which officer went to Frosty Freeze in Hellam on Saturday, 3/28/08 at 10:30 a.m. She also wanted to know if she could make a citizen's arrest when someone allows their dog to do their business in her yard. She was directed to report it the police department to enforce the existing ordinance.

Charles Robie quoted Carol Clark from an article dated 3/15/07 stating "Picturesque...Government in disarray". He thought Dawn Lindeman in the past led a good meeting, he felt previously Walter Dixon followed Robert's Rules of Order, he mentioned how the Sunshine Law allows everyone to come and participate but not to upset the meeting and suggested that everyone should respect Council whether they agree or not.

Annie Weirich stated that at 3:05 a.m. on March 30 after the shooting at Hometown Hotel she saw individuals, not officers, looking for shell casings. She felt the investigation was tainted and wanted to know why it wasn't handled properly. Mayor offered that it is an on-going investigation. Solicitor Tilley felt it was improper to discuss since it was an on-going investigation. Annie also mentioned later in the meeting that at the February 6, 2006, meeting it was enacted that police could not take the police vehicles home. Ms. Weirich mentioned the light that is always out is at Curvin and Edda Hakes property. Mrs. McDonald said she would have the Streets Department take a look at it.

Ruth Myers stated that due to the recent events at Hometown she felt Wrightsville Borough could not handle her outside event that she was wishing to host so she is bypassing her request for an open container ordinance to be passed but may pursue it next year.

Rick Penyak stated that the police are doing a good job. Asked if anyone on Council got grant money. Told Council to stop “pissing and moaning” and do something about it. He stated that Council only complains about the Mayor and the Chief. He went on to mention that during one of this year’s snow storms he was on 2<sup>nd</sup> Street and Mulberry and kids were sledding across the street. He slammed on his brakes and in doing so realized that there was a huge drop that leads down to a trailer park. The only barricade is a chicken fence. Mr. Habecker is going to look into it. Mr. Penyak also had questions about curfew and the Chief stated that the County was trying to get standardized times, which would probably follow the curfew we already have in place.

Eric White offered a \$50.00 check to Mr. Sipes for the Senior Center and stated this was his second month giving a check and that it would be on-going monthly. He also offered a \$100.00 check from Steve at the Medicine Shop and a bag of pill organizers for the seniors.

Crystal Bolton questioned the Chief regarding unregistered and uninspected vehicles; wondering if the Borough ordinance was in order. He stated that he has a call in to the District Attorney’s office regarding case law but has not heard back saying that the way the Borough ordinance stands in order for an uninspected and unregistered vehicle to be ordered removed it would have to have broken windows, flat tires, rotted floor boards, etc.

Brandon Holtzinger questioned why three police officers were at the meeting stating that this is our total amount in the Borough so “none are out there”.

The minutes of the previous meeting were approved by a motion of Mr. Sipes and a second by Mr. Kirkessner. The motion passed unanimously.

Solicitor – Mr. Tilley offered a resolution to adopt the York County Hazard Mitigation Plan stating that there were no obligations to the Borough but that it was a requirement of FEMA and it would entitle the Borough to funding during a federally declared disaster. Mr. Sipes made a motion to adopt the plan which was seconded by Mrs. McDonald and passed unanimously.

Police – Chief Pearson gave the report from March.

Fire – Written report from March provided.

Treasurer - Mr. Brenner informed everyone that he and Ms. Young had attended the audit exit interview. He said that they were presented a draft and that the Borough passed well. He stated that the audit would be presented in its entirety immediately before the next meeting at 6:30 p.m. and will then be available and published. Mr. Brenner went over the checkbook register stating he was now going to offer more information. He stated that bills were getting paid quicker, we were earning more interest and explained that although the General fund looked overdrawn it was not. The payments had been posted but checks were not mailed until the significant deposit from real estate taxes were received. Mr. Brenner thanked those attending the meeting for their comments. He presented the Recreation Committee check register and informed everyone that a couple of PP&L bills were paid out of this fund as they were Christmas lighting and the eternal flame but that this money was from the \$10,000.00 allocated from the Borough’s budget for Recreation. Mr. Habecker questioned the Stock and Leader bill for almost \$3000.00 stating he had requested a copy. Secretary Dietz informed him that he had received the bill as it was from

February, paid in March. Solicitor Tilley stated he could get him a copy. Mrs. Dietz stated that she did not feel it necessary to pay the Solicitor when she was able to provide a copy of the bill to Mr. Habecker. Mrs. McDonald made a motion to approve the Treasurer's report. Mr. Kirkessner made a second. The motion was unanimously passed.

Engineer – Mr. Klinedinst mentioned the County Line Quarry project near Murphy's Hollow. He stated he has not heard from the Engineer and requested tabling the discussion. On April 4, 2007, Mr. Klinedinst along with Josh Groft opened sealed bids that were received for road material. Mr. Klinedinst recommended accepting the bids as they were not tied to specific projects. The amounts of the materials had been estimated based on 4 specific projects: South Alley, Center Alley, 4<sup>th</sup> & Locust and Locust and Cool Springs. Josh Groft was not present to discuss the various projects. Mrs. McDonald made a motion to award the bids to County Line Quarry for aggregate and to Highway Materials for Superpave. Mr. Sipes made a second and the motion was passed unanimously. Mr. Klinedinst informed Mr. Shaud, who was in the audience, that the complaint made at last month's meeting had been looked into and it was the project engineers feeling that the water in his basement was more related to the grass area in front of his house but that he and Josh Groft would like to meet him at the site to discuss. Mr. Klinedinst informed Council that CDBG (Community Development Block Grant) funding for the next three years was open through June 6<sup>th</sup>. He strongly urged Council to put together projects (i.e. highway, storm sewer, comprehensive plan) as soon as possible including description and estimate of costs as this grant program has been very successful in the past. President Young congratulated Mr. Klinedinst on him being named Chief Executive Officer of C.S. Davidson.

Health and Safety – Mr. Habecker informed Council that he and Mr. Groft attended an Emergency Management Plan meeting with Hellam Township. Mr. Habecker requested a "head nod" vote for him to continue on the path of discussing joining with Hellam Township to have one plan, one Emergency Management Coordinator and split the cost. Council was in favor of this. Mr. Habecker read a letter from Fire Chief, Fred Smeltzer, addressing President Young's letter regarding Josh Groft. Mr. Smeltzer's letter requested that the long-standing tradition of allowing the Borough employees who are also firefighters to continue to receive pay and answer emergency calls as needed no matter where the call is. In addition, Mr. Habecker read a letter from Columbia Fire Chief, Scott Ryno in regard to this matter. Mr. Ryno made clear that Columbia Borough employees who are also firefighters do not have stipulations on where they can respond and requested that Wrightsville Borough continue their previous practice of assisting Columbia. It was made clear that Josh Groft can drive any piece of equipment and therefore his presence is needed at most fire calls. Mr. Habecker made a motion to revert to the former practice of allowing Borough employees who are also firefighters to respond to emergencies and fire calls regardless of their location and receive pay if it is during work hours with the understanding that they make their best effort to return to work as the situation reasonably permits. The motion was seconded by Mr. Sipes. The motion was passed with Mr. Groft abstaining.

Streets – Mrs. McDonald mentioned the need for hiring a Streets Department supervisor as she and Mr. Kirkessner are not available during the day. Mr. Tilley recommended creation of a job description to include the duties of this position, the qualifications needed (i.e. equipment experience) and physical requirements such as lifting, what frequency, standing, bending, stooping, etc.). Mayor cautioned that it was not in the budget. Mr. Groft agrees with the Mayor and mentioned that Mr. Klinedinst has offered to sit down and discuss grants. Mr. Habecker felt that this position including benefits and vacation could end up costing \$52,000 to \$58,000 a year. Mr. Kirkessner feels the department needs strong leadership as he feels it is a free-for-all. Mayor mentioned that it had been brought up in the past that Josh Groft was supervisor but how was he to know if Council doesn't even know. Robin Geesey mentioned again that the budget was over

and Mr. Habecker said that hiring a supervisor was something that needed to be planned over time and put into a proposed budget and that decisions should not be made outside of the Council meetings. Dawn Lindeman addressed Council stating that no one was being held accountable but that this was something that should be discussed in an Executive Session. Mr. Groft said he read over the minutes of the last three years and that nowhere does it say that Josh Groft is the supervisor. Jack Nace mentioned that he was a maintenance manager for years and that a job description, work order and someone to be responsible was necessary. Mr. Habecker said that personnel issues needed to be tended to and working relationships needed to be established first and foremost for the remainder of the year with level heads. Per Mrs. Young, we'll work with Mr. Klinedinst and go from there.

Recreation – Vice-President Kirkessner stated he had four committee positions open that he would like to fill. He had four names: Pat Shue, Dave Livelsberger, Janelle Englehart and Jessica Gonzalez. Mr. Sipes made a motion to appoint those four individuals with a second by Mr. Sipes. The motion passed unanimously. Mayor mentioned Small Games of Chance license and Mr. Kirkessner made a motion to approve the purchase of the license for \$100.00. A second was made by Mrs. McDonald. The motion was passed unanimously. Mr. Kirkessner mentioned that Jake Graham volunteered to pay for until the funds were available. Mayor said the Small Games of Chance covered everything except bingo. Baseball and Softball practices have begun and uniforms have been picked up.

Mayor – Civil Service Commission meeting was held and the following persons were given their positions: John Shannon is Chairman, Linda Gotwalt-Bayman is Vice-Chair and Diane Pennell is secretary. June 2<sup>nd</sup> at 4:00 p.m. is the next meeting in Council chambers. Mayor is still working on flags for Hellam Street and Front Street for under the lights. He stated he has been hindered a bit because of being locked out of his office on Water Street and asked if his office could be opened. He stated this was his last request. Mrs. McDonald blurted out “no”. Mr. Habecker made a motion to open the Mayor's office. The motion died for lack of a second.

Authority – Mayor mentioned the monthly Authority minutes were offered and brought up Clean-up Day. He informed Council that the Authority did not intend to hold a Clean-up Day. He mentioned that Donsco, Inc. had picked up a big part of the tab last year and mentioned that maybe they could be approached again. He felt that due to the high dollar value of scrap metal there wouldn't be as much being thrown out so therefore it probably would not be as successful as it had been in the past as people would be keeping the metal for themselves. Mr. Brenner gave a little history of Clean-up Day stating that the Borough used to set the refuse rates and had built in the cost of Clean-up Day but that when the Authority took over they set their own rates and so then it was at the Authority's discretion. The Mayor informed the citizens that were present that they can purchase a sticker to be allowed to throw out a large item and also mentioned that there is a free service that if they are able to bring large items to the Streets Department there is a dumpster there for their use. There are, however, certain items that are not allowed.

Senior Citizens/S.V. Chamber/Tri-Boro – Mr. Sipes states he has been visiting the Senior Center twice a week. He stated that he had emailed Gillespie who responded that a grant would need to be sought for State funding. Mr. Sipes was informed by the Senior Center that they are only receiving private donations. Mayor suggested he call Gillespie's office again and request Walk-around Money. Kathy Abel from the Wrightsville Community Recreation is looking for donations for the youth. Mr. Sipes informed Council that he would be having a gentleman come to do a presentation at next Council meeting regarding Rivertowne. Mr. Habecker said that this project could possibly be dovetailed with the CDBG funds.

Mrs. Young gave Mr. Habecker a letter from Attorney Moutz who is representing Leo Smith, owner of the Wrightsville Laundromat at 3<sup>rd</sup> and Hellam. He is requesting that a sign be placed stating a two-hour parking limit during the hours of 8:00 a.m. and 6:00 p.m. Mr. Habecker will look into and it will be discussed further at next month's Council meeting.

It was mentioned that Stock & Leader is offering a Right-to-Know training session free-of-charge.

Mrs. Dietz discussed the fact that the website had been created by a free downloadable program and that it wasn't user friendly and Eric White informed Council that the website needs to be hosted off-site. Mrs. Dietz mentioned the Pennsylvania State Boroughs Association offers web design and hosting and also mentioned the ability to get Microsoft Expressions to create a website. Mr. Sipes made a motion to upgrade the website. Mel made a second and the motion was unanimous. Mrs. Dietz also mentioned that the Pennsylvania Historical and Museum Commission offered free-of-charge to archive old minute books. They will put them on microfilm and make them available at the State Archives Building for research and also send a copy to Iron Mountain where they will be kept in a temperature controlled environment. The discussion was tabled for Council to review the paperwork that was provided.

Mrs. Young asked Eric White if he had received the answers to his previous concerns regarding Front Street and Rivertowne. He still has concerns.

The meeting was recessed at 9:45 p.m. for an executive session. At 10:45 p.m., the meeting was reconvened. Mr. Tilley informed the remaining patrons that the purpose of the session was for personnel issues regarding the return Borough property by an employee. Also, legal advice regarding land development plan which is attorney/client privilege. Potential disciplinary action on the police department was discussed as well as disciplinary action taken on an employee. The process by which job descriptions will be developed was discussed and the letter read on behalf of Bud Livelsberger was, too. A motion was made by Mr. Sipes to update the job descriptions. Mrs. McDonald seconded the motion with the motion being unanimous. A motion was also made by Mr. Sipes to appoint Dawn Lindeman to investigate the allegations against Mrs. McDonald brought up in Mr. Livelsberger's letter. A second was made by Mr. Kirkessner. The motion was passed with Mrs. McDonald abstaining. Mrs. Young brought up that it was time to walk through the wards and look for abandoned vehicles, trash, vehicles without motors, unlicensed and untagged vehicles, unkempt yards, etc. Mayor requested everyone make sure they know what ordinances are in violation. A motion was made to get rid of the Streets Department uniforms to help curtail budget issues. Mr. Sipes made a motion and a second was made by Mrs. McDonald. The motion was passed with Mr. Groft abstaining. It was mentioned that the Borough office should refrain from selling the safety green t-shirts to residents of the Borough so as to not have confusion as to who is a Borough employee.

Mr. Sipes made a motion to adjourn the meeting. Mr. Groft made a second and the meeting was unanimously adjourned at 10:55 p.m.

Respectfully submitted,

Bonnie K. Dietz, Secretary