

WRIGHTSVILLE BOROUGH COUNCIL  
MINUTES OF MAY 5, 2008 MEETING  
COUNCIL MEETING ROOM

*Prior to the official start of the meeting the auditor gave their report and stated that it had been reviewed with Keith Brenner, Treasurer and Sharon Young, Chairman of Finance.*

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.

Fire Report was given by Fire Chief, Fred Smeltzer who offered that Station 41 was now 95% firefighter certified. He also read a letter to Council and the residents reporting the facts surround the Hometown Hotel fire. He reported that it was the most dangerous fire in the history of the Borough. In addition, due to the danger factor, the arsonist is facing Federal felony charges for endangering firefighters. This has never been done in the history of the country. Smeltzer informed everyone that on April 20, 2008, the first call to 9-1-1 came in at 5:40, reporting entrapment. The alarm was sounded at 5:42. Eight Wrightsville firefighters were on scene at 5:46. The second alarm sounded at 5:43. Hellam arrived at 5:52 and Columbia arrived at 5:54. The heat was up to 800 degrees and visibility was to 1 inch. They tried for 34 minutes to control the fire when finally; Fire Chief Smeltzer called the search off. No one was killed or injured.

Claire Storm, President of Rivertowne discussed two significant projects: The historic lighting project to light the bridge similar to the 1930 lighting. She mentioned that at times anywhere from 9 to 12 lights are not working. It is a safety issue and does not reflect the historic beauty of the area. In addition, they are considering under lighting the bridge. They will be requesting Federal funding. The second project is the Heritage Development Strategy. She mentioned that several meetings have been held. Jonathan Pinkerton spoke about a vision to connect with the Susquehanna River. He mentioned the possibility of river bicycle tours, Susquehanna Park, different efforts to save land. He feels Wrightsville should be a destination not somewhere you pass through. He discussed a plan to improve safety at 2<sup>nd</sup> Street and Hellam Street – the 5-way intersection. He also discussed improving pedestrian appeal on Front Street with new curbs, sidewalks, lighting, landscaping, etc. Lori Yike from Department of Community and Naturalization Resources (DCNR) talked about her role in assisting with recreation and conservation goals. They help communities buy land and they are very interested in downtown development. We should want people to live here and the way to do that is good schools, good parks, and good fire department. Grants are available with a 50% match. Ed LeClear, Community Planner, discussed river towns being priority for land development. Pam Shellenberger of York County Planning Commission (YCPC) mentioned a housing and community development program offers a 3 year funding cycle and are accepting applications for 2009, 2010, 2011 which is due by June 6<sup>th</sup> for a variety of projects. This requires a resolution. This funding can be used for the aforementioned match. A citizen questioned whether or not they had spoke with Donsco as they own half of Front Street. This group informed the citizen that there is a steering committee talking with the business community. It was also asked if they provide assistance with grant writing and it was stated that samples can be given. Lori recommended talking to Mayor Lutz of Lancaster as he has received a lot of money. It was mentioned that 462 improvements were separate funding.

PATRONS: Chris Kraft – Requested a variance for his shed. He has an existing shed. He wanted to replace it with like-kind. Mr. Habecker made a motion to approve the variance of two

feet on one side and four feet on the other with written neighbor's approval. Mr. Sipes seconded the motion. Motion passed unanimously.

Robin Geesey – Again asked which officer was at Frosty Freeze in Hellam on March 28, 2008. Mayor informed her that they knew who it was and that it was not uncommon for our officers to meet at various locations with Hellam Township or Lower Windsor Township to exchange information.

Annie Weirich – Mentioned it has been two years since the storm water drains have been cleaned and wanted to know who was responsible and when was it going to be done as there was an issue on Willow Street causing a sinkhole – 200 Willow Street at Melissa Fitzkee's house. President Young believes the Borough is responsible. Ms. Weirich wanted to know what the Streets Department was doing and suggested giving them a chore list. She again questioned why there were civilians at the Hometown Hotel looking for shell casings after the shooting there. It was again told to her that it is an on-going investigation and per Solicitor Tilley's recommendation it cannot be discussed at this time. She felt this was a poor excuse.

Bill Raczewicz – Complained about campers being parked on the street and abandoned vehicles in the alleys. He says he can't get his crippled mother out.

Anita Guterrez – Again commented on the bird issue. She says there are now only 19 birds. There previously had been 29 birds. She states that he is selling them out of this home (his parent's home) and also out of two other homes, one being on Chestnut Street. The mother had promised they would be out by May 2<sup>nd</sup>. She questioned whether he needed a business license for this. Per Mr. Habecker, this would be a zoning issue and since we don't have zoning, we do not have the needed ordinances. He stated that the comprehensive plan would be the first step toward zoning. Mrs. Young mentioned that Mrs. Dietz found an animal nuisance ordinance on the Pennsylvania State Association of Boroughs (PSAB). Mr. Tilley will look at it and compare. Mr. Tilley again told Ms. Guterrez that she may need to hire an attorney. She mentioned that the neighbors are afraid of their son. He stated that if they were afraid of abuse that the York County Agency on Aging could be contacted to investigate elder abuse.

Eric White – He stated he received the fifth visit from a Council member regarding parking issues. He states that he and his brother are very conscious about this matter. He stated that he has 40 total spaces which are currently 4 spaces per tenant.

Leo Smith – Mr. Smith is the owner of the barber shop/Laundromat on Hellam Street. He has done major renovations and has new equipment. Because of this there is increased traffic and there is no place to park. He is requesting that there be two to three spaces with a one to two hour parking limit. Mr. Tilley says this requires an ordinance. Mrs. Young said this is a State road. Mr. Tilley said he will look into it. Other locations on that same street have limits. At this point, Ms. Weirich mentioned that 2<sup>nd</sup> and Willow Street curbing needs painting. Mrs. Young informed her that the Streets Department would begin weeding, painting and clearing drains when it is warmer. Mr. Klinedinst suggested that Borough Council send a letter to Penn Dot. Mr. Smith stated he would be willing to pay for the signs. Mrs. Young told Mr. Tilley he could cross this item off his list. Meters were mentioned and Mr. Groft asked about the residents.

Adam Hoff – Mr. Hoff stated that his wife is a hairstylist and that she does not do hair for handicapped individuals but Code Administrators is requiring that they add on a handicapped accessible bathroom and deck. Mr. Hoff stated that he has run out of money and found it funny that "everyone" knew for three months that he was making changes. He implied that Mr. Habecker waited until he was complete to turn him in. Per Mr. Tilley this is an ADA

Compliance issue and mentioned there might be exceptions for undo hardships. Mr. Habecker informed that this was State law and mentioned that Labor and Industry audits Code Administrators and that they could be taken to task for not being diligent enough. Mr. Hoff stated that he could be fined \$1000.00 per day. Mr. Groft wondered if there was anything we could do to assist Mr. Hoff. Mr. Klinedinst said that the State passed the Uniform Construction Code and that this was a matter between the State and the citizen. The Borough has no authority over this. The applicant can apply for a waiver. Mr. Habecker stated that anything prior to three years is grandfathered unless changes are made.

Dianne Leibhart – Informed the Borough that the property at 223 Orange Street is overgrown again.

The minutes were approved by a motion by Mr. Sipes, seconded by Mrs. McDonald. Mr. Habecker thought that the Hellam Street and 5<sup>th</sup> Street driveway should have been in the minutes. It was stated that that was in an executive session and the minutes were unanimously passed.

Solicitor – No report given.

Police – Chief Pearson read his report and mentioned that he has been in touch with Officer Leaman and that if his tests come back well, he may be available after May 28<sup>th</sup>. Mr. Groft addressed the Chief stating that residents have complained about a car being parked in a driveway on North 7<sup>th</sup> across the sidewalk. He will try to address as many of these type of complaints as possible. Mrs. McDonald questioned why barricades were not put up to shut down the bridge. The Chief informed her that he had not been contacted except by Columbia on that day. She also asked what business did he have at Riverview Elementary School. Chief felt that was a personnel issue to be discussed in executive session. Mr. Sipes asked if Chief had addressed an email issue he had presented to him and the Chief responded that he had. Mr. Kirkessner asked whether or not there was parking on both sides of the street at Third Street by the Post Office. Chief informed him that some areas of that street do allow parking on both sides. Mr. Habecker mentioned that all parking is in the ordinance book.

Treasurer – Mr. Brenner offered to interpret the audit report if necessary and mentioned it will be published. He also mentioned that there were 12 journal entries that needed adjusted for December and will do so for the Council members' files. Mr. Brenner informed Council that the York Area Earned Income unallocated money that we typically receive will not be received this year as they are retaining it for extensive renovations to their building. The Recreation Commission is working well and working out issues. Mr. Kirkessner is doing a good job trying to get cash into the account. Mr. Brenner presented the checkbook. Mrs. McDonald made a motion to approve the checkbook. Mr. Sipes seconded the motion. Motion passed unanimously.

Engineer – County Line is requesting approval of a subdivision plan for one lot in Murphy's Hollow including a waiver of plan scale. Mr. Klinedinst recommended approving this as there is no construction taking place and recommended plan approval with 3 conditions (modules, owners' signatures, YCPC comments). Mr. Habecker moved to approve. Mr. Kirkessner seconded. Motion passed unanimously. Secondly, Mr. Klinedinst informed Council that Royal Farms previously had approval but had to resubmit the PennDot application. He does not know when they are starting construction. CDBG projects were discussed and he said that the Rivertowne committee tied in all four grants. He reminded everyone that grant applications are due by June 6<sup>th</sup>. He offered a list of what he felt might be priority to request funds. A resolution will need to be made to file the applications. Mr. Klinedinst recommended authorizing himself and Mrs. Dietz to put together applications and resolutions for the June 2<sup>nd</sup> meeting in order to

file the next day before the deadline. Mr. Habecker questioned codification. Mr. Klinedinst felt it might be best to wait until 2012 so that the zoning ordinance may be in place which would wipe out miscellaneous ordinances. Mr. Sipes made the motion to authorize Mrs. Dietz and Mr. Klinedinst to put together applications and present. Mrs. McDonald made a second and the vote passed unanimously. Mr. Klinedinst discussed Penn Dot reconstruction close to 2<sup>nd</sup> Street at Hellam Street all the way to Kline's Run in Lower Windsor. He stated this was probably being done this year. He mentioned this will affect the Municipal Authority more than Council. The plans for this project are in the Borough office and no action is needed. Mr. Habecker mentioned the Streets Department is well advised to look at the drains when Penn Dot is in the area as their paver tends to push in to the drains. Council previously approved the Blessing Subdivision subject to some items. Mr. Klinedinst informed Council that all was done except for planning modules. He recommended that the Municipal Secretary sign the planning module. Mel made a motion, Mr. Sipes made a second and the motion passed unanimously. Lastly, Mr. Klinedinst stated that C.S. Davidson has assisted with the MS4 annual report regarding storm water. He recommends that the Borough Secretary sign and get notarized.

Health & Safety – Mr. Habecker requested making efforts to reduce speed throughout the Borough to 25 miles per hour. He feels this is necessary because speeding can't be enforced unless 10 miles over and feels that is way to fast. He read an e-mail he received regarding the new trash collection location. He stated he didn't know why there was a change. Mrs. Dietz informed them that this was at the direction of Fred Smeltzer as pick-up needed to be in one place or another in order to save gas. Mrs. Young stated this is an Authority issue. A motion was made by Mrs. McDonald to have the Borough Secretary send a letter to Penn Dot requesting signage at Mr. Smith's property as requested. Mr. Sipes seconded the motion. The motion was passed with Mr. Groft opposing. Mr. Habecker mentioned that he had drafted a letter to Mr. Renee Snyder regarding the fence at the quarry and requested the Secretary to sign said letter instead of him signing as a lone individual. Mr. Habecker asked if there was a permit coming for the parking lot at Brenner Accounting. He mentioned that during the last meeting this was a closed-door session and he didn't know why. Mr. Brenner responded that he had originally had conversations with his neighbor and was not met with negativity. He also spoke with the Borough Secretary at the time and then with the interim Secretary regarding requirements. He then spoke with Mr. Klinedinst and had the property surveyed. He found that the neighbor's fence is on his property. He received a quote to move their fence and their landscaping. He then states he sat on it. He mentioned that the old Turkey Hill beside his business is now very successful but has taken his parking. He stated that the neighbors then moved their fence. He stated that he is not interested in putting in a storm sewer and doesn't intend to macadam to the fence. Neighbors brought up concern of water running back into their yard with gas from the cars being in the water. Mr. Habecker stated that there is a valid need but that there are valid ordinances and must engage the ordinances; storm water, land development and building ordinances. Exceptions can be granted. Mr. Klinedinst stated that he doesn't believe land development applies and doesn't recommend seepage beds. It was mentioned that an inlet could be put in the existing pipe and Mr. Habecker asked Mr. Brenner if he would be willing to do that. Mr. Habecker stated that Council needs to be consistent, enforce ordinances and follow procedures. Mr. Brenner stated that a lot of garage roofs are discharging into the alley. A resident, Mr. Shaud, says, "You're asking Keith to solve a Borough problem." Water lays there now and Mr. Habecker agreed. He stated that it doesn't matter where the water goes but that you must control the water. Mr. Brenner asked what would happen if he stoned out to the alley; did he still have to follow storm water ordinance. Mr. Habecker stated that was still an impervious surface. Mrs. Young requested that Mr. Brenner submit a plan and they will act. Dawn Lindeman commented on Mr. Habecker's comment regarding the police department being under budget. She stated that the insurance was separate so the budget was not realistic. Mr. Brenner stated that the insurance package is bid out in conjunction with the Municipal Authority. He

stated he could do a better job of showing this on the budget but that it won't be perfect. It shows that it is adequately budgeted but does not show who is using the bulk of it. Ms. Lindeman feels it should be broken up. Mrs. Young questioned Mr. Habecker's letter of last month regarding the fire department. She stated that she spoke with Gary of the Susquehanna Fire Department and he works for the Streets Department in Columbia and she says he stated to her that his work permits him to go on calls but that he cannot leave the Borough. She gave Ron Miller, his boss, and him a copy of the letter.

Streets – Mrs. McDonald stated that it is flower planting time. A community service person might be the way to go. She mentioned that the Streets Department was borrowing Red Lion's street sweeper. She also informed Council that Stu Graybill of Red Lion Borough suggested putting a grant in together for a crack sealer along with Hellam. Mr. Klinedinst said that was good maintenance and should be used by more than one municipality. This grant would obligate approximately \$7,000.00. Mrs. Young and Mr. Klinedinst suggest talking to Stu regarding who applying to and the possibility of getting other money to pay for the \$7,000.00. Mrs. McDonald made a motion to approach to change the locks to the Mayor's door, the interior door to the office and the interior door between the conference room and the office. She feels there are a lot of keys out and they can be copied. Mr. Habecker wanted to know who was paying for it. Mrs. McDonald asked Ms. Lindeman if the locks had been changed in the past. She stated it was done periodically. An additional part of the motion was to change the lease so that all Council persons get keys. Mr. Kirkessner suggested asking the Authority to pay for a portion if there is a need. Mrs. McDonald said she would ask for new locks. The motion to approach Authority about changing the locks and changing the lease was seconded by Mr. Sipes. Mr. Groft wanted to know what the price is to change the locks. Mr. Habecker wanted to know how there can be that many keys out. Another part of motion was to have keys that cannot be copied. Again, Mrs. McDonald made the motion, Mr. Sipes seconded. The motion passed unanimously with Mr. Habecker opposing and stating he does not need a key except to the front door and mailbox. Mrs. McDonald thanked the Peters for donating change to the concession stand. Mrs. McDonald requested approval for the South Alley project. Mr. Habecker wanted to know what it would cost. Mr. Klinedinst estimated about \$18,000.00. Mr. Groft made a motion to approve the South Alley project from 5<sup>th</sup> to 7<sup>th</sup> Street not to exceed \$18,000.00. Mr. Kirkessner seconded and the motion was unanimously approved. It was stated that they should not go past 7<sup>th</sup> Street as Royal Farms will be tearing up. A motion was made to approve Bonnie to join Costars. Mrs. McDonald made the motion, Mr. Sipes seconded and the motion was unanimously approved.

Recreation – Mr. Kirkessner gave a report on the fundraising money coming in. A lot of money is still outstanding. The season has started and the concession stand has started. They've had a reorganization meeting. He mentioned that although Mr. Brenner is treasurer for everything, he felt that a treasurer needed to be appointed for the concession stand. Mrs. Young stated that he can appoint someone himself.

Authority – A walking path will be put in once construction is complete.

Senior Center – Mr. Sipes informed Council that advertising is paying off. Mr. Shaud, resident, mentioned that on 3<sup>rd</sup> and 4<sup>th</sup> Street there are shoes thrown over the wires. Mrs. McDonald said she will tell her husband to get them down with his bucket truck.

\* \* \*

A motion was made to accept Russell "Bud" Livelsberger's resignation. The resignation letter was two weeks notice effective May 5 and his last day will be May 19. Mrs. McDonald made a 1<sup>st</sup>, Mr. Sipes made a second and the motion was unanimously approved.

At 10:20 p.m. the meeting was recessed to an executive session. The meeting was reconvened at 11:05. Solicitor Tilley stated they discussed the management letter from the auditor, additional summer help, Chief's response to the officer's letter, policy regarding vehicle use, use of the Mayor's office, Mayor provided response to police letter and the possibility of replacing Bud.

A motion was made to replace Bud. It was discussed that someone really good, able to write grants and supervise employees was needed. It was motioned to advertise for a Streets Department manager with the right qualifications. The Mayor said it was important to have the job description. It was said to add that they will maintain timesheets and oversee employees. Also, grants, administrative functions, track vacation and equipment operator. Secretary is to advertise all papers one weekend until the 11<sup>th</sup> and accept applications until May 21<sup>st</sup>. Final motion was made by Mr. Sipes to advertise for the Streets Manager that will advertise timesheets, oversee employees, administer grants, track vacation and operate equipment. Mrs. McDonald seconded the motion. The motion passed with Mr. Groft and Mr. Habecker abstaining. Neil said it was due to lack of sleep. Mr. Groft stated that you would not get much of a supervisor for what you're paying Bud. Mr. Kirkessner made a motion to advertise at the bridge for summer help. It was stated that they must be a resident of the Borough and that Josh will put up the sign. Mrs. McDonald seconded the motion. Mr. Habecker asked if it was budgeted for and if it was a good idea to bring someone in when we're losing one. President Young decided to table the discussion until next meeting.

Mr. Habecker made a motion to adjourn and Mr. Groft seconded the motion. However, the motion ~~died for lack of majority vote.~~ **was overrun & never voted on.**

Formatted: Strikethrough

Mrs. McDonald made a motion to send a letter to Joe Greenya and Blaine Quickel to sit down to discuss disbanding the police department. After much discussion and arguing over the fact that this motion came so late in the evening and almost all the patrons had gone home and after some verbiage from Mr. Tilley, the final motion was made by Mrs. McDonald to send a letter to Chief Greenya of Columbia and Chief Quickel of Hellam Township to sit down to discuss an intermunicipal agreement for police coverage. Mr. Sipes seconded the motion. The motion passed with Mr. Habecker opposing and Mr. Groft abstaining. The Mayor stated that he is in charge of the police department and should be meeting with them as well.

Mr. Groft made a motion to adjourn. Mr. Habecker seconded the motion and the meeting was unanimously adjourned at 11:20 p.m.

Respectfully submitted,

Bonnie K. Dietz, Secretary