

Jacobus Borough Council Meeting
Meeting Date: May 4, 2016

Call to Order

Council President Roger Coleman called the meeting to order at 7:00 p.m.

Opening Invocation and Pledge of Allegiance

Invocation was offered by CP Coleman and was followed with the Pledge of Allegiance led by Office Manager Cynthia Ferree

Roll Call

Cynthia Ferree called roll. Present were Council President Roger Coleman, Mayor Greg Gruendler, Council Vice President Bill Eshenour, Council members: Jeff Hammers, Kathie Cavanagh, Sandy Sheffer, Debbie Loucks; Jr. Council Person Kacie England and Solicitor Steve Hovis. Council member Lance Beard was absent.

Minutes and Treasurer's Report

1. Minutes of April Council meeting – Following review, *Councilwoman Debbie Loucks made a motion to approve the April 6, 2016 Council meeting minutes as presented. The motion was seconded by Councilwoman Kathie Cavanagh. Motion carried unanimously.*
2. Treasurer's Report – Cynthia Ferree presented the Treasurer's report for April 2016. Council Vice President Bill Eshenour inquired if, and Cynthia confirmed that, the expense of \$1,215.00 listed in Line Item 409.372, "Detention Pond Maint./Repairs" was for the fence repair at the pond on Nixon Dr. *Councilwoman Sandy Sheffer made a motion to approve the April 2016 Treasurer's report for audit as presented. The motion was seconded by Council Vice President Bill Eshenour. Motion carried unanimously.*

Persons on the Agenda/Public Participation

- A. No "Persons on the Agenda". Council President Roger Coleman inquired if Barb Sweitzer, present as a JLS representative had anything to present, or if she wanted to wait until the "JLS" report later in the meeting. Barb stated she didn't have anything to report, but if anybody had any questions or items they would like to discuss she would be happy to respond. Nothing was presented to Barb for discussion.

Action to be Taken

- A. No "Action to be Taken" at this time.

Borough Reports

- A. **Mayor** – Greg Gruendler presented: *YARPD report/Mar. 2016- 46.37 Service Hrs, 29.29 Admin Hrs., -190.95 Running Total/19 response calls as listed on "Activity Report"/No new update on YARPD's access to the Borough's DVR system/One (1) Alarm Response- 20 Maple St. on 4/20/16; *District Court report/March Receipts: \$279.31 for Vehicle Code Violations/\$449.27 for Local Ordinance Violations; *Fire Police Requests- *A motion was made by Councilman Jeff Hammers to approve the use of Jacobus Fire Police for the following entities as presented on each of their 2016 non-emergency events list: 1. Borough of Dallastown/21 events, and 2. Borough of Glen Rock/2 events. Council Vice President Bill Eshenour seconded the motion. Motion carried unanimously.*
- B. **Office Manager** – Cynthia Ferree presented: *Acker SDLD- Operation & Maintenance Agreement related to Stormwater (PCSM; SWM BMP's) is in place, all fees have been paid-to-date, and the plans have been recorded; *RTK Request- A request for copies of Stormwater Maps & Studies performed for Jacobus Borough within the last five (5) years was received and fulfilled according to the Open Records Law; *April 25 Court 'Bench' Hearing- All witnesses present, but defendant was not. Hearing postponed to Tuesday, June 7; *Baseball Damage Inquiry- Municipal Office received an inquiry from the new owner of 30 Franklin St., Jacobus, PA, regarding who is responsible should a baseball leave the field and damage her personal property such as her house, vehicle, etc. A response received from Stock and Leader, Attys. At Law was presented. It stated that this would fall under Pennsylvania's "no duty" rule. The rule states that a person cannot make a claim for injuries (to persons or property) that result from a common, frequent and expected risk inherent during an activity in question, baseball being this activity. Purchasing a home directly opposite a baseball field carries with it an inherent risk that balls will travel over the fence and possibly damage personal property. Any such damage would not be on the Borough or baseball team/player because the property owner has effectively "assumed the risk". Borough Council authorized Stock and Leader to draft and send a formal letter in response to the property owner's inquiry; *April 28 DEP Seminar- Cindy presented information she acquired at the seminar hosted by Stock and Leader, and presented by Alex Chiaruttini, Chief Counsel for the PA Dept. of Environmental Protection (DEP). The presentation touched on Chesapeake Bay Requirements, Stormwater Mgmt., Compliance Initiatives and DEP's Regulatory Agenda. Main points for the Borough are the regulations and compliance initiatives

required under MS4 permits and the importance of keeping clear and accurate records of items related to stormwater and regulations thereof. Regulations are passed down by the Federal Environmental Protection Agency (EPA) and require the DEP to hold entities accountable. Unclear and/or inaccurate record keeping is considered the same as not having any records and the DEP will not hesitate to issue hefty fines. While the Borough's permit is currently waived, Ms. Chiaruttini stated the next wave of MS4 permitting will most likely add 150 to 175 more entities required to hold a MS4 permit; *YC Assessment Appeals Board- March 31, 2016 hearing for the property at 107 Woodland Dr. resulted in a \$34,610.00 decrease in the assessed value; Effective Jan. 1, 2017; *Windows 10 'free' download went smoothly. The Borough's computer tech 'tweaked' a few things and also updated "I-Drive", the Borough's remote backup program; *Per Borough's LGAC Rep- April Agenda, approved March Mtg. minutes & YCPC 'action item' documents have been submitted and are available to Borough Officials.

- C. **Emergency Mgmt.** – *EOP/EMC- Council President Roger Coleman stated he has continued to work on updating the Borough's Emergency Operations Plan (EOP) and presented information from his further research of the required plan inclusions. Councilman Jeff Hammers inquired if it is worthwhile to continue to try to update the EOP. Roger inquired if Borough Council wishes for him to continue to proceed with this project. Mayor Greg Gruendler stated one of the most important aspects of the EOP is to define annex centers, and another requirement is to include emergency plans from private daycares, including in-home daycare businesses. Greg volunteered to assist Roger with some of these items for the plan. Roger stated he has spoken with Dr. Dyer, DASD Superintendent, who stated the district would consider allowing the use of the Intermediate School, but would need additional information. He also stated he must coordinate some aspects of the plan with Goodwill Fire Co. #1, Jacobus and the Jacobus Lions Ambulance Club. Solicitor Steven Hovis stated each municipality is required to have an EOP and to keep it current, even though it is a hardship for smaller municipalities who do not have paid staff or EMC's. Following discussion, Roger stated he will continue to proceed with the work to bring the plan up-to-date; *Greg presented information on the current status of Red Lion Borough's EM Department.
- D. **BCO/Zoning Officer** – Mike Hammers was absent - *No Report
- E. **JBSA** – *No report
- F. **Solicitor** – Dave Jones absent. Solicitor Steven Hovis had *No report
- G. **Finance & Budget** - *SDLD Recreation Fees- Recreation fees in the amount of \$17,500.00 have been received as follows: \$15,000.00 for Phase I of the Acker SDLD and \$2,500.00 for the 12 Valley Road SDLD. \$15,000.00 has been, and the \$2,500.00 will be, deposited to the Borough's PLGIT account at a current rate of 0.36%; *Due to all of the 2016 projects Borough Council has approved and is considering, Office Mgr. Ferree presented a 2016 Budget-to-Actual report-to-date for Borough Council's review and reference.
- H. **Streets** – *Maple Street Cost Proposals- Council President Roger Coleman presented three (3) cost proposals for discussion that were sent to Council members for review prior to the Council Meeting from the following engineering firms: 1st Capital Engineering, Inc./\$6,500.00, C.S. Davidson, Inc./\$5,000.00 and James R. Holley & Associates, Inc. (JRH)/\$57,805.00. The proposals are for engineering services to manage a street reclamation project on Maple Street, however the proposal from JRH was for the street reclamation. Roger then presented an additional cost proposal in the amount of \$3,825.00 that he requested and received today from JRH for the cost of engineering services for the Maple St. Project. Solicitor Hovis and Borough Council reviewed the proposals and discussed the contract differences, including possible additional fees. Following discussion, *Councilwoman Debbie Loucks made a motion to approve execution of the contract dated April 25, 2016 as presented from C.S. Davidson, Inc. The motion was seconded by Councilman Jeff Hammers. Motion carried unanimously;* *Streets Maintenance Contract- Council President Roger Coleman and Council Vice President Bill Eshenour discussed the idea of acquiring a "streets maintenance contract" for the purpose of the annual maintenance of Borough streets, such as pot-hole repairs and crack & street sealing. Inquiries from Council members included, but were not limited to: How do you, and who, determines what gets done and how much money is spent each year, how will the Borough know how much a maintenance project is going to, or should, cost, will cost limits be set and how will the Borough know it's getting what it is paying for, etc. Councilman Jeff Hammers stated he was not comfortable turning over the control of 'what, when, where, & how' to somebody outside of the Borough Council and letting that be their decision. Mayor Greg Gruendler agreed this should all stay under the Borough's control. During discussion, Solicitor Hovis stated that while the Borough could consider such a contract Council should keep in mind the following points: 1. What is the description of 'maintenance'? This would have to be defined in detail, 2. Each year maintenance costs would need to stay below the base amounts set by the PA Dept. of Labor & Industry requiring telephonic quotes and sealed bids, and 3. The type and costs of materials needed for any given maintenance project would have to be considered. Discussion continued until exhausted. No action was taken. *Meadow Street (east of York Rd.)- Council President Roger Coleman stated Donald Wright, Citizen-at-large on the Borough's Street Committee,

attended the certification classes for "Dirt, Gravel and Low Volume Roads" but he didn't have any detailed information from Donald. Councilman Jeff Hammers stated he believes Donald gave the papers from the York County Conservation District (YCCD) to Councilman Lance Beard. Discussion was held by Council including, but not limited to, widening or moving the street, property acquisition, etc. Mayor Greg Gruendler stated he walked the street with Donald & the YCCD, and the grant does not include acquisition of property. Councilwoman Kathie Cavanagh stated the grant also would not be received until 2017. Upon inquiry it was stated that it is not a 'matching' grant; *S. Pleasant Ave. Restoration- This matter was not presented for discussion; *Streets Committee will meet @ 7:00 p.m. on the scheduled Committee Mtg. night- Tuesday, May 10.

- I. **Refuse and Recycling** – *Penn Waste Billing Estimate/Proposal & Info.- Council President Roger Coleman stated he would like Borough Council to make a decision on the Penn Waste Billing proposal/Passing on the cost for curbside service and tipping fees to the Borough's property owners. Following a brief discussion, *CP Coleman called for a motion to approve authorizing Penn Waste, Inc. to assume the responsibility of billing Jacobus Borough residents for refuse & recycling curbside services in Jacobus Borough, and for the collection of the charges. Councilwoman Kathie Cavanagh made the motion. Motion died for lack of a second. No further discussion was held;* *Recycling Bin Supply Info.- Council Vice President Bill Eshenour reviewed information from Global Industrial for the purchase of recycling bins. The proposed cost for (100) 18.7 Gallon Bins would be \$9.63 each, or \$963.00, plus \$258.80 for Shipping. Discussion pointed out the bins we have now are larger- 22 Gallons, and citizens are regularly requesting larger ones. Solicitor Hovis suggested speaking with Penn Waste, Inc. to see if they can offer other purchase options.
- J. **Buildings and Grounds** – *Park Improvement Committee Mtg.- Councilwoman Loucks stated three people were present at the April 12 meeting. A lot of good ideas were presented, but the committee did not take any action or make any decisions. The committee is hoping more people will be present at the May 10th meeting; *Stonewood Drive Tot Lot- Council President Roger Coleman verbally presented details of a plot plan being compiled by 1st Capital Engineering to address the stormwater matter. He received a verbal 'ballpark' figure of \$18,000.00 to have the work in the tentative proposed plan performed. Roger stated the recreation fees just received from (two) 2 subdivision land development plans in the total amount of \$17500.00 would be used for the project. Borough Council disagreed, stating \$18,000.00 was too much to put into the Tot Lot and discussed other options. Councilman Hammers suggested Roger contact Easy-Dig Excavating, Inc. to see what they would propose to address the stormwater problem and at what cost. Roger will contact Easy-Dig Excavating, Inc. and present the information at the June 1 Council meeting; *Nixon Drive Fence repairs- The fence damaged by a large fallen tree has been repaired by Security Fence, Inc.; *Council President Roger Coleman reported on the work being performed at Jacobus Community Park. A gentlemen in the York County Community Service Program has repaired/replaced and stained the split-rail fence as directed by Councilman Beard. A young lady performing community service for school credit has been working on sanding & painting the Yellow gates; *Councilwoman Debbie Loucks inquired if a volunteer could paint lines on the tennis courts. Council members stated the lines are difficult to paint because of the preciseness but it could be done by a volunteer if they can handle the job; *Municipal Building Doors- Council Vice President Bill Eshenour stated he repaired the front door so that it closes properly again, but that both doors should be replaced due to serious rusting. A brief discussion determined aluminum doors would be the best option. Bill will research available options & pricing; *Baseball Field Supplies- Office Mgr. Ferree reported the field supplies approved at the last meeting have been ordered. The cost of the diamond dirt is \$43.25 p/ton and this includes freight charges. Figuring a tri-axle load is approx. 23 tons the total cost will be approximately \$994.75; *Columbia Gas Mtg. Update/Reimbursable Engineering Fees- Office Mgr. Ferree reported on email correspondence which occurred yesterday between Dave Lipinski, Borough Engineer, and the Columbia Gas representatives who attended the April 6 Council meeting. No meeting date has been set. Cindy will let Dave and the Columbia Gas reps know what works best for Roger and herself. The \$20,681.00 due from Columbia Gas to Jacobus Borough for reimbursable engineering fees has not yet been received. Cindy also has not received any additional detail on the engineering services related to this matter from Dave Lipinski as requested by Borough Council at the April 6 Council meeting, so that it could be forwarded to Columbia Gas for payment. Roger stated it will be discussed at the meeting with Columbia Gas; Park Reservations/Keystone Games- Off. Mgr. Ferree reported on park reservations currently scheduled for May. A few of the reservations need to be confirmed. A sign-up sheet and the reservation signs will be available next week, and placed on the meeting room table, for the Buildings & Grounds Committee to sign-up for the reservations they will take responsibility for. Keystone Games will be using the park on Thursday, July 28 & Friday, July 29. They will not be using the ballfield on Saturday, July 30 as the park is reserved for a wedding & reception that day.

- K. **Community Events** - *No Report
- L. **JLS Recreation Association** – *JLS’ approved minutes and financial report were forwarded to everyone by email or fax after receipt from JLS; *No other report
- M. **Other Reports** – *No report

Unfinished Business

- A. JLS Board Vacancy – *No names presented

New Business

- A. Kacie England’s last meeting as the Borough’s Jr. Council Person will be on June 1.

Correspondence

- A. Central Penn Business Journals
- B. Misc. Monthly, Quarterly, Annual Newsletter & Reports

Bills

Council Vice President Kathie Cavanagh made a motion to approve April 2016 General Fund expenses of \$32,923.81 and May 2016 GF expenses-to-date of \$2,543.83 as presented in the Treasurer’s report,. The motion was seconded by Councilwoman Sandy Sheffer. Motion carried unanimously.

Other Business

- A. No “Other Business” was presented.

Adjournment

Councilwoman Sandy Sheffer made a motion to adjourn the meeting at 9:02 p.m. The motion was seconded by Councilwoman Kathie Cavanagh. Motion carried unanimously.

Jacobus Borough Council will meet next on Wednesday, June 1, 2016 at 7:00 p.m.

Respectfully Submitted,

Cynthia M. Ferree
Office Manager/Treasurer
Jacobus Borough Council

*Denotes change of subject