

Mount Wolf Borough Minutes

Regular Meeting

August 9, 2022

Convene:

The Mount Wolf Borough Council met in regular session on Tuesday, August 9th, 2022, beginning at 7:03PM. The meeting was called to order by Council President, Darryl Main.

Attendance:

The following Council Members and other Officials were present:

Council – Michael Barlett, Dan Schleig, Darryl Main, Brian McKenna, Denny Naylor, Josh Parish, and Todd Hess

Officials – Mayor Mo Starnier, Attorney Devon Myers, and Municipal Secretary/Zoning Officer Rachel Kling

The following Official was absent:

Official - Engineer Chris Owens

Visitor Attendance:

- Heather/Raymond Miller (Residents of Mount Wolf Borough)
- Cindy Shimmel (Resident of Mount Wolf Borough)
- Elane Dietz (Resident of Mount Wolf Borough)
- Angie Snyder (Resident of Mount Wolf Borough)
- Joe Weisbecker (Owner of SteelSafe Storage Solutions)
- Sheila Vargas (Resident of Mount Wolf Borough)
- Andy Blessing (Resident of Mount Wolf Borough)
- Alex Snyder (Attorney of Seth Predix)
- Seth Predix (Property Owner of 91 South 3rd Street)
- Christine Hess (Resident of Mount Wolf Borough)
- Charles Stambaugh (Resident of Mount Wolf Borough)

Agenda/Minutes:

A Barlett/McKenna motion was made to amend the agenda adding to Properties/Services “Uniforms for Maintenance Workers” and under Streets “Columbia Gas Upcoming Project”. Motion passed unanimously.

A Parish/Schleig motion was made to approve the minutes from the July 12th, 2022, Regular Meeting as presented. Motion passed unanimously.

A Parish/Barlett motion was made to approve the minutes from the July 27th, 2022, Committee/Non-Voting Meeting as presented. Motion passed unanimously.

Public Comments:

1. Heather Miller (Resident of Mount Wolf Borough)
 - a. Mrs. Miller voiced complaints to Borough Council regarding construction equipment parking on South 3rd Street. She informed Council that this construction equipment belongs to Stewart and Tate. There is no construction taking place within Mount Wolf Borough by Stewart and Tate. Mayor Mo commented that she will reach out to Stewart and Tate requesting that they do not park their construction equipment on Mount Wolf Borough streets.
 - b. Mrs. Miller heard Mayor Mo make comment that after her term is over, she will no longer be running for Mayor. Mrs. Miller asked why this information is not listed on the Borough's website – Council replied that it is not a requirement however they can post this information. Mrs. Miller believes that this should be post for public knowledge.
2. Christine Hess (Resident of Mount Wolf Borough)
 - a. Mrs. Hess voiced concerns and complaints regarding the lack of service provided by Penn Waste for the Thursday pick-up as contracted. Mrs. Hess asked why Council has not pushed harder for this issue to be resolved and if Council has discussed breaching the current contract with Penn Waste. She firmly believes that Council should be requesting refunds for all Borough residents. Mount Wolf Borough resident, Sheila Vargas, commented that she called Penn Waste to complain that they are not collecting her trash at all and was successful in receiving a refund as well as corrective action for her trash to be collected moving forward. Mount Wolf Borough resident, Andy Blessing, also commented that he has e-mailed Penn Waste demanding a refund for the lack of service and stated that they must be held accountable. Mayor Mo commented that her concern with demanding a refund or threatening to breach the current contract could potentially lead to higher rates. Currently, Mount Wolf Borough residents are paying rates that have been locked in for the past four years. Lengthy discussion was held. Mrs. Hess firmly requested that Council reach out to Penn Waste to ask what can be done to make up for the missed collections. Council President Darryl Main will initiate this communication.
3. Charles Stambaugh (Resident of Mount Wolf Borough)
 - a. Mr. Stambaugh wanted to publicly thank Mount Wolf Community Church for the wonderful event they held at Mount Wolf Park. He highly suggested that Council organizes more community events to bring resident together and to build a stronger community. Council will consider.
 - b. Mr. Stambaugh wanted to make Council aware that the Borough is losing tax money. He voiced several concerns about tax collection for variance taxes. Council will look into this issue.
4. Shelia Vargas (Resident of Mount Wolf Borough)
 - a. Ms. Vargas voiced concerns/complaints regarding a mosquito issue at the Northeast York County Sewer Authority. She informed Council that a storm drain was placed many years ago in the woodland area to the right of the administration building. This

storm drain does not drain into anything, just the ground. Therefore, stagnate water collects and attracts mosquitos. Previously, the Sewer Authority put powder down to help with this issue however Ms. Vargas was recently informed at the last Sewer Authority meeting that they will no longer be doing this. Ms. Vargas asked if Council would become involved with this issue as it greatly affects her property. Mayor Mo promised Ms. Vargas that she will attend the August Sewer Authority meeting for further clarification.

Engineer's Report:

Engineer Chris Owens was absent, Council President Darryl Main reported on the following:

UPDATE: South Main Street Bridge Inspection –

Advertisement has been corrected and published. Councilperson Josh Parish found a grant for this particular project.

Ordinance 2022-06 -

A Naylor/Barlett motion was made to adopt Ordinance 2022-06; an Ordinance amending and restating the code of the Borough of Mount Wolf, County of York, Chapter 334, Stormwater Management, providing for regulation of stormwater management standards, site plans, inspections, responsibilities, and establishing the means for enforcement. Motion passed unanimously.

Land Development Plan Updates – 152 N Main Street (SteelSafe Storage Solutions) –

Council received Owens review letter for the revision of the Land Development Plan for 152 N Main Street, SteelSafe Storage Solutions. Council reviewed the plans provided by Mr. Weisbecker.

As Mr. Weisbecker explained the revisions Council questioned the setback requirements as the revised plans showed that storage containers would be placed on the property line – this is in violation of the setback requirements. Mr. Weisbecker informed Council that this would create a barrier between the two businesses that occupy the property. Unfortunately, all structures must follow the setback requirements as the storage containers are defined as “temporary structures” per the Zoning Ordinance.

Attorney Myers stated that Mr. Weisbecker would either have to apply for a variance for encroaching on the 15-foot side setback or change the plans to follow the setback requirements. Additionally, now that the plans have been reviewed by Council, a decision must be given within 90-days. If Mr. Weisbecker decided to apply for the variance, it is very unlikely that a Zoning Hearing would be scheduled after the deadline of the 90-days. Therefore, Attorney Myers highly suggested Mr. Weisbecker signing a waiver for the 90-day requirement. Mr. Weisbecker agreed to this suggestion, Attorney Myers will e-mail Mr. Weisbecker a waiver. It was concluded that Mr. Weisbecker would discuss this issue with his engineer and proceed as see fit.

Land Development Plan Approval – 91 South 3rd Street (Predix Properties IV LLC) –

Council received the review letter provided by Owens for the preliminary/final Land Development Plans for property address 91 South 3rd Street. Council reviewed the plans heavily. The following waivers were motioned by Council per the suggestion of Borough Engineer Chris Owens...

Subdivision and Land Development

1. The applicant has requested a waiver to eliminate preliminary approval of the plan (§ 350-9.B) and to allow the submitted plan to be considered for final approval, without the submission of a Preliminary Plan (§350-13). The decision to eliminate preliminary approval should be made by the Council (§350-11). We recommend the waiver be granted.

A Parish/Barlett motion was made to grant this waiver. Motion passed unanimously.

2. The applicant has requested a waiver to not require permanent precast concrete reference monuments (§ 350-38. E), as all four property corners currently have surveyed/installed reference markers in the form of iron pins. We agree with the applicant's engineer in that the waiver should be granted so the current property markers would not have to be removed and replaced, thus altering the existing property survey and description.

A Parish/Barlett motion was made to grant this waiver. Motion passed unanimously.

3. The applicant has requested a waiver to allow an existing 40' right-of-way along Maple Street, and the existing 16' right-of-way along Seal Alley (§350-35.(8)). We support said waiver request.

A Barlett/Schleig motion was made to grant this waiver. Motion passed unanimously.

Stormwater Management Comments

1. The applicant has requested a waiver to allow the stormwater management facility and its discharge structure or piping to encroach into the setback area (§334-17.S). We recommend that said waiver request be granted.

A Barlett/Parish motion was made to grant this wavier. Motion passed unanimously.

After discussion, a Parish/Barlett motion was made to conditionally approve the preliminary/final Land Development Plans for property address 91 South 3rd Street once the following condition have been met as stated on Borough Engineer Chris Owens review letter...

Subdivision and Land Development

1. We have reviewed the submitted cost estimate for public improvement as referenced above and offer the following recommendation for your consideration. Gordon L. Brown & Associates, Inc. has adjusted the Johnston & Associates, Inc. estimate, and determined the probable cost associated with the site improvements to be \$35,546.00. The Public Improvements Security Estimate tabulation is enclosed for your reference. The total amount of financial security is to be provided to the Borough.

Stormwater Management Comments

1. As a requirement of Section 334-32, an amount \$1,936.80 shall be paid into the Municipal Stormwater Maintenance Fund. This amount will be used to defray costs associated with routine inspections by the Borough of the stormwater management facilities to be constructed on the above-referenced land development plan. The inspections are to be conducted over a ten-year period following completion of the improvements. This amount is to be posted prior to unconditional approval and recording of the final plan. The Stormwater Maintenance Fund tabulation is enclosed for your reference. If a more extensive inspection is ever required, additional fees may be sought.

Motion passed unanimously. The plans will be held till the conditions have been met.

Solicitor's Report:

Attorney Devon Myers reported on the following:

Drafted Noise Ordinance –

Council reviewed the red lined drafted noise Ordinance. Council discussed the exemptions for the Borough parks as well as the comments received by the York County Regional Police. Councilperson Hess communicated concerns regarding the increase in police cost by adopting this Ordinance with 24/7 hours. Mount Wolf Borough resident Christine Hess commented that she was under the impression that the Borough already had a noise Ordinance and was very stocked that it actually does not. Length discussion was held. Council President Darryl Main commented that this Ordinance is extremely subjective and unfortunately will not be perfect law. A Naylor/Barlett motion was made to advertise the Ordinance. Motion passed 4/3 with Councilperson Hess, Councilperson Schlegel, and Councilperson McKenna voting against. Motion carried.

Authorization to Research Potential Boundary Issue –

Mount Wolf Borough resident, Charles Stambaugh, brought to Council attention that a property located within the boundaries of the Borough is paying taxes to East Manchester Township. This property is located on Walnut Street. Although the properties boundaries are located within the Borough, the entirety of the property is not. The tax assessment office states that the Borough limits does go through the house on the property. Council agreed that Attorney Myers should research this issue and provide guidance.

Record Retention Ordinance Review –

Per the current Record Retention Ordinance, there is no policy for retaining video surveillance. With the new security system surveilling the parks and Borough building Council discussed the best revision of this Ordinance. Attorney Myers informed Council that this can be done by Resolution. Council discussed. Attorney Myers will draft the revisions of this Ordinance for next month's meeting.

Zoning Officer's Report:

Zoning Officer Rachel Kling reported on the following:

Zoning Permit's Issued –

Kling provided Council with a copy of the spreadsheet used to list permits issued. Council reviewed.

UPDATE: Zoning Ordinance Update –

No comments received yet by YCPC for tonight's meeting.

Burning Container Certification –

Kling provided Council with a draft version of the Burning Container Certification now required by Ordinance 2022-04. Council reviewed. It was suggested that a signature line be added for the Chief of Eagle Fire Company to sign the certification after their inspections. Kling will add this to the certification. Councilperson Parish stated that he is working to set up a one-drive for both Kling and the Chief of Eagle Fire Company to share picture storage and finalized certifications. Kling will e-mail Councilperson Parish the updated certification with the changes suggested.

Waste Dumpster/POD Application –

Kling provided Council with a draft version of the Waste Dumpster/POD Application. Said application will be used strictly for dumpsters/POD instead of a Zoning permit as previously used. Council reviewed the application. It was suggested to add the definition of a dumpster/POD to the application. Kling will add this. Council approved of the application and Attorney Myers stated it may be used immediately.

UPDATE: Zoning Hearing Scheduling –

Kling updated Council regarding the two Zoning Hearings that took place on July 27th. The Zoning Hearing Board rejected the appeal submitted by Mount Wolf Borough residents Heather/Raymond Miller. The Zoning Hearing Board granted the special exception submitted by Predix Properties IV LLC. Mount Wolf Borough resident Heather Miller asked Council why none of them were in attendance for the hearing? Attorney Myers answered by stating that the Ordinance being appealed stood for itself and there was no reason for Borough Council to attend. Mrs. Miller replied by saying that this decision made all of Borough Council look bad.

Treasurer's Report:

Treasurer Rachel Kling reported on the following:

Payment of Bills –

A Parish/Hess motion was made to approve the payment of checks payable #5251-5293 (voided check numbers #5268-5280 due to printer issues) and ACH payment #53851441, #13222857741, #13413654161, #13413647741, #90169566, #90169569, #90169619, #90169652, #90169680, #187127238, #94972482 and #10984892, totaling \$121,283.72. Motion passed unanimously.

< Council received income statement and balance sheet for the month of July 2022 >

Mayor's Report:

Mayor Mo reported on the following:

- Mayor Mo preformed one wedding within the last month.

- Received a phone call from “.gov” to clarify that the as the mayor she is not the highest authorized position for Borough Council. She was informed that this is not normal.
- Susquehanna Lions Club Road Closer Request
 - o Halloween Parade scheduled for October 16th, 2022
 - o Requesting road closure from Maple to 5th Street
 - o A Schleig/Hess motion was made to approve this road closure request. Motion passed unanimously.
 - o Mayor Mo would like for Council to consider a donation this year. Council will consider.

Streets:

Councilperson Denny Naylor reported on the following:

- No notification as to when the 2022 street project will begin.
- Request for new tires by maintenance – this task will now be handled by Councilperson McKenna.
- Notification from Columbia Gas
 - o Naylor received a letter in the mail from Columbia Gas informing of natural gas line replacement happening within the Borough. Work is to begin September 2022. Letter states that the work being completed is the service lines and moving indoor meters outside. Naylor requested that Municipal Secretary Rachel Kling post this on Facebook and the website.

Parks and Recreation:

Councilperson Dan Schleig reported on the following:

- Schleig called Specialty Tree Services and Mike Mitzel to obtain a quote for tree work at Mount Wolf Park, has not received a quote from either yet.
- Mount Wolf Community Church thanked Borough Council for allowing them to use Mount Wolf Park for their event. It was well attended!
- Schleig has a meeting with Ann Yost (YCM Architect) to discuss the layout of Mount Wolf Park and to determine if there are any grant opportunities. Schleig was informed that this process typically takes three years to complete.
- Schleig also reached out to Lee Wyble with Safe to Play to conduct an inspection for safety and compliance review of Mount Wolf Park.
- A handicap swing is being donated to Mount Wolf Park.
- Schleig suggested that Council consider a summer program at Mount Wolf Park. Council briefly discussed.

Properties/Services:

Councilperson Brian McKenna reported on the following:

Borough Maintenance Workers Uniform/T-Shirts –

McKenna is working with the wife of one of the maintenance workers to make t-shirts for the maintenance workers. He was informed that it would cost \$10 per shirt plus the cost of the actual

shirt. Both Mayor Mo and Council President Darryl Main stated that they would offer to pay for this cost.

Budget & Finance:

Councilperson Michael Barlett reported on the following:

2023 Budget –

Barlett would like to start budget discussions at the August Committee meeting.

UPDATE: ARPA Funds –

The second round of ARPA funds has not been received yet and there is no timeline as to when they will be received.

Health and Safety:

Councilperson Josh Parish reported on the following:

Ambulance –

- 105 calls for the month of June with a 104 second chute time.
- Received report for the month of May.

Fire –

- Received report for June.
- 22 calls for the month of June, with 7 of those calls within Mount Wolf Borough.

Police –

- 40 calls total in the Borough for the month. No accidents, 18 traffic citations, 2 summary offences, 1 arrest, 5 juvenile incidents, and the rest were listed as miscellaneous.

Personnel:

Councilperson Todd Hess reported on the following:

UDPATE: Standard Operating Procedures –

Kling admitted that with the Zoning Hearings scheduled in July this project was placed aside. She will begin to work on it again.

SWIF Survey Meeting –

Council President Main reported that he met with SWIF concerning a safety survey. It was suggested that the Borough maintenance workers hold seasonal safety meetings. Council agreed.

Council President: NONE

Correspondence: NONE

Old Business:

- Rental Property Inspector
 - o Mayor Mo received an e-mail from an interested party in conducting the rental property inspections. Council discussed briefly and requested to meet them at the August Committee meeting.
- UPDATE: Auditor Search/Auditor Position
 - o Attorney Myers informed Council that Hellam Borough is using ARPA funds to conduct a one-time audit for 2022 and has sent out requests for quotes. This process was successful. Council discussed and a Schleig/Hess motion was made to authorize Attorney Myers to put together a request for quotes (RFQ) for Mount Wolf Borough. Motion passed unanimously.
- Vacancy Chair Appointment
 - o The previous interested resident is no longer interested. Municipal Secretary Rachel Kling has spoken to Mount Wolf Borough resident Sheila Vargas about the position.

New Business:

- There is a pole that needs replaced near Georgia Pacific. Is it very likely that this was hit by a tractor trailer. Council discussed and concluded to submit a request through Met-Ed to have it replaced.

Adjournment into Executive Session:

At 10:40PM a Naylor/Hess motion was made to adjourn the regular Borough Council meeting and move into Executive Session to discuss legal issues concerning property on 3rd Street. Motion passed unanimously.

Rachel Kling, Recording Secretary