

Mount Wolf Borough Minutes

Regular Meeting

June 14, 2022

Convene:

The Mount Wolf Borough Council met in regular session on Tuesday, June 14th, 2022, beginning at 7:00PM. The meeting was called to order by Council President, Darryl Main.

Attendance:

The following Council Members and other Officials were present:

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

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

The following Council member was absent:

Council – Dan Schleig

Visitor Attendance:

- Sheila Vargas (Resident of Mount Wolf Borough)
- Marilu Beier (Resident of East Manchester Township)
- Heather/Raymond Miller (Residents of Mount Wolf Borough)
- Bryan Rizzo (Deputy Chief of Police for York County Regional Police)
- George Rupp II (York County Regional Police)
- Christopher Glass (York County Regional Police)
- Keith/Lacey Mummert (Resident of Mount Wolf Borough)
- Attorney Beth Kern (CGA Law Firm)

Agenda/Minutes:

A Parish/Barlett motion was made to amend the agenda adding to Parks/Red “curfew Ordinance” and Old Business “update “.gov” website”. Motion passed unanimously.

A Naylor/Hess motion was made to approve the minutes from the May 10th, 2022, Regular Meeting as presented. Motion passed unanimously.

A Naylor/Hess motion was made to approve the minutes from the May 24th, 2022, Committee/Non-Voting Meeting as presented. Motion passed unanimously.

Public Comments:

1. Sheila Vargas (Resident of Mount Wolf Borough)
 - a. Ms. Vargas brought to Council’s attention the lack of noise Ordinance for the Borough. Due to recent events with a neighboring property playing music extremely loud, she discovered that Mount Wolf Borough does not have an Ordinance pertaining to noise.

She was shocked and stated this needs to be addressed. She did excellent research and provided Council with examples from neighboring municipalities and municipalities that are similar in size to Mount Wolf Borough. Council reviewed and listened to her concerns. They will review further at the June Committee meeting.

2. Heather/Raymond Miller (Resident of Mount Wolf Borough)

- a. Mrs. Miller informed Council that her property has had an excessive number of ticks in her yard and unfortunately her dog contracted a tick born illness. She had a landscaping company come to assess and was informed that the problem was likely coming from the pile of dirty and weeds at the property next to hers. She asked Borough Council to address this issue. Mayor Mo reassured Mrs. Miller that she will send a letter to the property owner to have the pile of dirty and weeds taken care of.
- b. Mrs. Miller also informed Council that a pile of stones has been sitting on the property next to hers for a while and children are riding their bikes on the pile of stones. She is concerned about safety. Mayor Mo will also communicate this concern to the property owner.

3. Deputy Chief of Police Bryan Rizzo with York County Regional Police

- a. Chief Rizzo introduced the two newest York County Regional Police officers, George Rupp II and Christopher Glass. Council welcomed them. Chief Rizzo wanted to check in the Borough Council if there were any questions or concerns.
 - i. Councilperson Josh Parish commented that he thought that administration time on reports was high and questioned the calculation. Rizzo answered his questions/concerns.
 - ii. Heather Miller, resident of Mount Wolf Borough, asked Chief Rizzo questions concerning the new Rental Property Maintenance Ordinance, pertaining to the police involvement. Both Council and Rizzo answered her questions/concerns as best they could.
 - iii. Mayor Mo informed Council that a resident of Mount Wolf Borough has been abusing 911 and wanted to know how this should be handled. Mayor Mo wants to send a letter to the resident however Attorney Myers advised against this due to Mount Wolf Borough not having Ordinance pertaining to this issue. Attorney Myers suggested only sending a letter that complaints have been received.

4. Keith/Lacey Mummert (Resident of Mount Wolf Borough)

- a. Attended tonight's meeting to obtain more information about adding more parking to the rear of their property. Council President directed them to discuss with Zoning Officer Rachel Kling.

Engineer's Report:

Engineer Chris Owens reported on the following:

UPDATE: Sidewalk Replacement –

Owens informed Council that advertisement for bids has been published and all bids are due by the July 12th meeting. So far three contractors have requested information.

UPDATE: Storm Sewer Inspection –

Owens informed Council that Bret Zeiders (Pennsylvania Sewer Authority) is able to keep the quote under \$11,800 to complete the work requested, avoiding the requirement to advertise for bidding.

UPDATE: South Main Street Bridge Inspection –

Owens received quotes that were over the bidding threshold and therefore will need to complete formal bid specifications. Once this is completed, a motion to advertise will be requested.

UPDATE: Stormwater Ordinance/MS4 Requirements –

Owens has reviewed the new stormwater Ordinance released by DEP and has updated the 2011 stormwater Ordinance for Mount Wolf Borough to comply. Attorney Myers and Attorney Kern have reviewed the revised Ordinance and stated that the Ordinance will likely be ready to pass at the August 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.

Ordinance Violations/Complaints –

Kling received one complaint regarding tall grass/weeds and provided information to Mayor Mo to send violation letter. Maintenance worker Jay Hitz has been policing the Borough for tall grass/weeds and providing lists. Mayor Mo is very thankful for this help.

Zoning Ordinance Update –

At the May Committee meeting Council discussed extending the zone "town center" up Center Street further. Mr. John Klinedinst will provide an updated map regarding this discussion. At the June Committee Meeting Council will review a final draft of these updates.

Zoning Hearing Scheduling –

Kling informed Council that two applications were submitted for Zoning Hearings after the May meeting. The first was by Predix Properties IV on May 10th and the second was by Heather/Raymond Miller on May 12th. Being that both applications pertain to the same property, 91 South 3rd Street, both Attorney Myers and Zoning Hearing Board Attorney, Attorney Elliott, suggested scheduling the hearings on the same date. Therefore, Kling has proposed multiple dates and unfortunately all have been declined by multiple participants of each hearing. Due to this scheduling conflict, a waiver was signed by each applicant to extend the 60-day time limit for scheduling these hearings. Attorney Myers noted that Mr. Seth Predix signed a limited waiver to not exceed past July 15th. Unfortunately,

this causes further scheduling issues. Kling has composed a calendar to narrow down an exact date and has concluded that the last week of July seems to work. Therefore, Attorney Myers will be requesting an extension from Mr. Predix till the end of July via e-mail.

Executive Session:

At 8:24PM a Barlett/Parish motion was made to move into Executive Session to discuss legal strategies/substantive challenge to Zoning Ordinance. Motion passed unanimously.

At 8:37PM Council ended Executive Session and moved back into the regular monthly Borough Council meeting.

Solicitor's Report:

Attorney Devon Myers reported on the following:

Ordinance 2022-04 –

A Barlett/Parish motion was made to adopt Ordinance 2022-04, amending the code of the Borough of Mount Wolf, County of York, Chapter 187, burning, outdoor, regulating outdoor burning within the Borough; setting time limits; types of material to be burned, conditions under which burning may be permitted, and restrictions. Motion passed 5 to 1 with Councilperson Denny Naylor opposed.

Resolution 2022-05 –

A Barlett/Parish motion was made to pass Resolution 2022-05, a Resolution of Mount Wolf Borough setting the amount of the burn container certification pursuant to Ordinance 2022-04. Motion passed 5 to 1 with Councilperson Denny Naylor opposed.

Ordinance 2022-05 –

A Barlett/Parish motion was made to adopt Ordinance 2022-05, the Mount Wolf Borough small wireless facilities and use of the public right-of-way Ordinance. Motion passed 5 to 1 with Council President Darryl Main opposed.

Resolution 2022-06 –

A Barlett/Hess motion was made to conditionally approve Resolution 2022-06, appointing the York County Treasurer's Office as the tax collector for the collection of school taxes for the Northeastern York School District properties located in Mount Wolf Borough and authorizing and accepting an agreement with the York County Treasurer's Office providing for tax collection services for the years 2022 through 2024 for Northeastern York School District properties located in Mount Wolf Borough.

Conditional approval on final draft of agreement reviewed and approved by Borough Attorney and Council authorization of signature by Council President Darryl Main. Motion passed unanimously.

Resolution 2022-07 –

A Barlett/Naylor motion was made to pass Resolution 2022-07, establishing fees for small wireless facilities. Motion passed unanimously.

UPDATE: Penn Waste Contract Extension –

Attorney Myers presented Council with the final contract extension with Penn Waste per last month discussion. A Hess/McKenna motion was made to authorize signature by Council President Darryl Main. Motion passed unanimously.

Noise Ordinance Review –

Attorney Myers will review case law and review the Ordinance's provided. This will help to compose noise Ordinance for the Borough. Councilperson Josh Parish suggested drafting Ordinance similar to East Manchester Township and Manchester Borough as they are the closest municipalities to Mount Wolf Borough. Council agreed.

Question from Councilperson Todd Hess –

Councilperson Hess questioned if a sign at the Mount Wolf Park pertaining to the hours the park is open is law? Attorney Myers asked for further details. Councilperson Hess stated that the current sign at Mount Wolf Park states that the park is open from "dawn to dusk" and wanted to know if the sign is law. Attorney Myers stated that if it follows the current Ordinance pertaining to the parks and the open hours then yes. Councilperson Hess stated that he would like to discuss this issue further during "Parks/Recreation" report.

Treasurer's Report:

Treasurer Rachel Kling reported on the following:

Payment of Bills –

A Naylor/Barlett motion was made to approve the payment of checks payable #5207-5234 and ACH payment #34545647, #9460428, #88397881, #88397845, #8839790, #88397943, #88397973, #31781076, #9735110 and #12972016961 totaling \$90,353.04. Motion passed unanimously.

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

Receipt of Payment –

1. Received payment from Northeastern York School District for amount invoiced for mulch at Mount Wolf Park.
2. Received documents required to invoice East Manchester Township for their portion of workers compensation. Will be sending invoice this week.

UPDATE: Banking Transfer to York Traditions –

Kling informed Council that she had a meeting with Jamie Reid, Senior Branch Manager with York Traditions, and have ironed out all the paperwork necessary to open a general fund account. Kling requested a motion to move funds from the general fund account with Truist to the general fund account with York Traditions. A Barlett/Hess motioned was made to move \$75,000 from the general fund account with Truist to the general fund account with York Traditions. Motion passed unanimously.

Mayor's Report:

Mayor Mo reported on the following:

- Wedding Ceremonies Performed
 - o Performed one wedding ceremony since last month's meeting.
- UPDATE: Cell Phones for Borough Employees
 - o Have not purchased cell phone yet, on to-do list.
- Sending postcards to landlords informing of discussion at June Committee Meeting for the Rental Property Maintenance Ordinance. Going to send them out by Friday at the latest.
- Complaints: Inch & Co Emerson Flats Construction (13 W Maple Street)
 - o Mayor Mo has received a few complaints concerning the construction at 13 W Maple Street – Inch & Co Emerson Flats apartments. She has contact Inch & Co regarding these complaints.

Streets:

Councilperson Denny Naylor reported on the following:

- Borough Maintenance workers have begun to paint the yellow curbs.
- Borough Maintenance workers have stated that the new lawn mower is great!

Parks and Recreation:

Councilperson Dan Schleig reported on the following:

UPDATE: Security Camera at Mount Wolf Park –

Additional cameras are being installed near Mount Wolf Park ballfield at no additional cost and the Comcast router has been delivered and installed. Within the next two weeks a tutorial will be offered for the new security cameras.

Reopening Parks Past Dark/Curfew –

Councilperson Hess informed Council that unfortunately his sons were issued fines for being at the Mount Wolf Park after dark. This has been very upsetting to him. Therefore, he would like to discuss reopening the parks past dark/curfew. He remembers as a teenager playing basketball with his friends past dark and it being a safe place for them to gather. Hess suggested using ARPA funds or the recreation funds coming from the Inch & Co property to install lighting at the Mount Wolf Park. Councilperson Parish comments that this may be a high cost for the Borough and the neighboring properties may complain. Councilperson Hess responded that the cost of the lighting will likely be no more than the lighting at the fire company. After a lengthy discussion Councilperson Hess stated that he will not let this discussion "slide by". He would like to see this be changed for the youth of Mount Wolf Borough. He feels strongly that the park could be a safe place for them to gather after dark. He would rather see them at the park than wondering the streets.

Properties/Services:

Councilperson Brian McKenna reported on the following:

UPDATE: Lettering for the Borough Maintenance Truck –

McKenna informed Council that he has received contact information from Councilperson Hess to complete the task of lettering the Borough maintenance truck.

Budget & Finance:

Councilperson Michael Barlett reported on the following:

UPDATE: Standard Operating Procedure –

Barlett and Municipal Secretary Rachel Kling have been working together to complete the financial side of the SOP, creating step by step documents of how to complete tasks in the accounting software.

Workers Compensation Policy Renewal –

Barlett informed Council that he has reviewed the renewal document for the workers compensation policy. He was pleased to inform Council that numbers have gone down from last year.

Additionally, at the June Committee meeting Mike Ryan with MidAtlantic USI Insurance Services, LLC will be presenting Council with information pertaining partnership for commercial insurance and risk management.

Health and Safety:

Councilperson Josh Parish reported on the following:

Ambulance –

- 110 calls for the month with a 108 second chute time.
- Ambulance memberships have been mailed out and NEAEMS is receiving good responses.

Fire –

- No report received for June but did receive a report for upcoming training.
- Have been visiting Leg Up Farm this summer to help the children understand fire fighters and fire safety.

Police –

- No additional report.

Rock Blasting at 13 W Maple Street –

Parish informed Council that he hopes for one last week of rock blasting however that is unsure.

Personnel:

Councilperson Todd Hess reported on the following:

UDPATE: Standard Operating Procedures –

Hess has handed over the financial side of the SOP to Councilperson Barlett. An example from Eldred Borough's personal handbook was e-mailed to Council. Hess would like for Council to review.

Council President:

Council President Darryl Main reported on the following:

- Complaints Received

- Trash collection being delayed due to staffing and trucking issues.
- Dirt on Maple Street from Inch & Co construction site.
- Mount Wolf Park Baseball Field
 - Issues between the Mount Wolf Wolves and Recreation Team
 - Advised to attend tonight's meeting and no one came.

Correspondence: NONE

Old Business:

- UPDATE: ".gov" Website
 - Councilperson Josh Parish has been working to complete this task. In order to move forward a letter was requested. Council President Darryl Main signed and sealed the letter requested.
- Rental Property Maintenance Ordinance
 - Discussion will be held at the June Committee meeting.
- Auditor Search/Appoint Independent Third Party
 - Council President Darryl Main has reached out to many companies and has only heard back from SEK (William Oyster). Mr. Oyster requested the Borough's 2022 DCED financial reports. Municipal Secretary Rachel Kling provided the reports requested.
- Vacancy Chair Appointment –
 - Council President Darryl Main reminded Council that this position must be filled and to continue searching. Councilperson Dan Schleig stated that his neighbor may be interested.

New Business:

- Handicap Parking Spot
 - Mayor Mo was informed that a resident who requested a handicap parking spot is moving out of the Borough. Therefore, the handicap parking sign needs to be removed. Borough Maintenance will be informed of this.

Adjournment:

At 10:15PM a Parish/Barlett motion was made to adjourn the regular meeting. Motion passed unanimously.

Rachel Kling, Recording Secretary