

Mount Wolf Borough Minutes

Regular Meeting

May 10, 2022

**Convene:**

The Mount Wolf Borough Council met in regular session on Tuesday, May 10<sup>th</sup>, 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, Dan Schleig, Darryl Main, Denny Naylor, Josh Parish, and Todd Hess

Officials – Mayor Mo Starner, Attorney Beth Kern (sub), Engineer Chris Owens, and Municipal Secretary/Zoning Officer Rachel Kling

**Visitor Attendance:**

- Seth Predix (Property Owner: 91 South 3<sup>rd</sup> Street)
- Attorney Alex Synder (Barley Snyder Attorney representing Seth Predix)
- Heather/Ray Miller (Residents of Mount Wolf Borough)
- Brian McKenna (Resident of Mount Wolf Borough interested in vacant Council position)

**Agenda/Minutes:**

A Barlett/Schleig motion was made to amend the agenda adding the words “swear in” to “Resolution to appointment and swear in Brian McKenna as new Borough Council member”. Motion passed unanimously.

A Naylor/Barlett motion was made to approve the minutes from the April 12<sup>th</sup>, 2022, Regular Meeting as presented. Motion passed unanimously.

A Naylor/Barlett motion was made to approve the minutes from the April 26<sup>th</sup>, 2022, Committee/Non-Voting Meeting as presented. Motion passed unanimously.

**Appointment/Swear-In for Vacant Borough Council Position:**

A Barlett/Naylor motion was made for Resolution 2022-04, appointing Brian McKenna as Mount Wolf Borough Council member. Motion passed unanimously. Mayor Mo proceeded with swearing in Councilperson McKenna.

**Public Comments:**

*91 South 3<sup>rd</sup> Street: Proposal to Amend Zoning Ordinance Allowing Multifamily in R2 District –*

Attorney Alex Snyder addressed Council to propose and request amending the flexible overlay to allow multifamily in the R2 district. Attorney Snyder first provided a brief history of events that have proceeded this request and the reasoning behind the request. Attorney Snyder also informed Council

that Predix Properties has communicated with neighboring property owners, Heather and Raymond Miller, seeking a resolution to the many appeals filed with no prevail. Therefore, Attorney Snyder requested that Borough Council consider amending the flexible overlay to allow permitted use of multifamily in R2 district. Comments were voiced by the Millers. Mr. Raymond Miller asked Council if they were “Mount Wolf Borough Council” or “Predix Properties Council”. Councilperson Josh Parish asked for further details regarding this comment. None were spoken. Mrs. Heather Miller further stated that their fight is not against Predix Properties, it is against Mount Wolf Borough Council and the Zoning Hearing Board for not abiding by the Municipal Planning Code. Engineer Chris Owens noted that if Borough Council were to amend this Ordinance, the Land Development Plans would need to go back to York County Planning Commission for review. Borough Council concluded that no action will be taken tonight however, this will be discussed at the next Committee meeting at the end of May.

**Engineer’s Report:**

Engineer Chris Owens reported on the following:

*UPDATE: Stormwater Pipe Replacement –*

Owens informed Council that the project has been completed. Should expect invoice for payment soon.

*Walnut Street Flooding –*

Council President Darryl Main informed Council that during the heavy rainfall last week, he noted flooding down Walnut Street before bridge. Main suggested projecting to place 2 inlets to help with flooding. Engineer Owens would like pictures next time this happens to review.

*UPDATE: Sidewalk Replacement/Pothole Inspections –*

Owens informed Council that this task got pushed back behind pothole inspections. He and Councilperson Denny Naylor inspected potholes around the Borough and concluded that 13 areas need attention. Advertisement was completed for this project requesting bids. A Barlett/Naylor motion was made giving permission to Owens to complete a bid packet. Motion passed unanimously. Owens informed Council that at the June meeting he will have a completed bid packet for the sidewalk replacement. A Naylor/Barlett motion was made to approve advertisement requesting bids for the sidewalk replacement project. Motion passed unanimously. Council President Darryl Main also suggested informing Borough residents of the sidewalk replacement project.

*UPDATE: Storm Sewer Inspection –*

Owens informed Council that Bret Zeiders (Pennsylvania Sewer Authority) is willing to complete video inspections of storm sewer lines for the entire Borough. Council would like to request a quote. Owens will relay request.

*South Main Street Bridge Inspection –*

HRG conducted a bridge inspection for the South Main Street bridge. Council President Darryl Main provided report for Engineer Owens to review.

*Stormwater Ordinance/MS4 Requirements –*

Owens informed Council that DEP has released new MS4 requirements including review of stormwater Ordinance to meet DEP's 2022 requirements. Owens is reviewing as well as Attorney Kern.

**Solicitor's Report:**

Attorney Beth Kern reported on the following:

*UPDATE: Use of Facilities Agreement (Mount Wolf Wolves) –*

The Mount Wolf Wolves signed the required "Use of Facilities Agreement" as well as a detailed schedule for the 2022 session. After reviewing both documents, a Naylor/Parish motion was made to approve Council President Darryl Main to sign the "Use of Facilities Agreement". Motion passed unanimously.

*UPDATE: Amendment to Open Burning Ordinance –*

Council was presented a draft amendment to the Open Burning Ordinance. Council reviewed and noted corrections/revisions. It was noted that a fee scheduled would be passed by Resolution. After much discussion, a Parish/Hess motion was made to advertise Ordinance 2022-04 with said correction. Motion passed 6/1 with Councilperson Denny Naylor opposed. It was also noted that Mayor Mo is highly against amending this Ordinance.

*Resolution to Appoint York County Treasurers Office as Tax Collector's for Northeastern School District –*

Attorney Kern advised Council to hold on action regarding this Resolution due to lack of communication between all parties. Council President questioned terms of agreement. Attorney Kern's discussed.

*Ordinance Regarding Small Wireless Facilities –*

Due to Act 150 an Ordinance must be adopted regarding small wireless facilities. Said Ordinance would give power to Borough Council to regulate small wireless facilities within the Borough. Council reviewed at length. Attorney Kern's informed Council that the Ordinance presented came from the York County Planning Commission. It was noted that a fee scheduled would be passed by Resolution. Attorney Kern requested that Council review Section 10 "Annual Right-of-Way Fee" and establish an effective beginning date. Council discussed and concluded January 1<sup>st</sup>, 2023. A Naylor/Schleig motion was made to advertise Ordinance 2022-05 with corrections. Motion passed unanimously.

*Ordinance 2022-03 –*

A Hess/Barlett motion was made to adopt Ordinance 2022-03; an Ordinance of the Borough of Mount Wolf Borough Amending the Code of Ordinances of Mount Wolf Borough, Chapter 400, Vehicles and Traffic, Section 9, Parking. Said Ordinance would prohibit parking on Maple Street from Plane Street to the railroad crossing. Motion passed unanimously.

*Current Legal Issues –*

- Penn Waste
  - o Current refuse contract expires July 2022. However, there is a two-year extension option within current contract. As refuse contract is shared with Manchester Borough, Manchester Borough has agreed to extend current contract two years. Attorney Kern recommended to draft a short-written agreement (contract amendment) that would be signed by all parties to ensure two-year extension as well as rates previously contracted. Attorney Kern informed Council that Manchester Borough is willing to split the cost of Attorney fees to compose this short-written agreement. A Naylor/Paish motion was made to approve a short-written agreement to be signed at the June 2022 Borough Council meeting. Motion passed unanimously.

**Zoning Officer's Report:**

Zoning Officer Rachel Kling reported on the following:

*Zoning Permit's Issued –*

One Zoning Permit was issued from April 13<sup>th</sup> through May 10<sup>th</sup>. Permit was issued to place storage shed on property.

*UPDATE: Drainage Violation –*

Property owner at 198 South 4<sup>th</sup> Street informed Kling that they are under contract with York Excavating to complete grading, infiltration pit, and paving. Project is on the schedule with York Excavating for early June. Kling provided the property owner with a Zoning Permit to be completed before work began.

*UPDATE: SteelSafe Storage Solutions –*

Kling asked Council for an update regarding the revised Land Development Plans submitted by SteelSafe Storage Solutions. Council informed Kling that Borough Engineer Chris Owen was going to review the plans and to follow up with him.

*Zoning Ordinance Update –*

Another meeting was held with Engineer John Klinedinst to further discuss updating the Zoning Ordinance. Draft #2 was provided for Council to review. Council discussed creating a "town center" district. Council reviewed a map provided showing the outline of this district. Most of the properties within this district are a mixed use of commercial and residential. Council President Darryl Main requested that Council review the drafted Ordinance update and be ready to move forward at the June meeting.

**Treasurer's Report:**

Treasurer Rachel Kling reported on the following:

*Payment of Bills –*

A Schleig/Naylor motion was made to approve the payment of checks payable #5184-5205 and ACH payment #87532355, #87532393, #87532409, #87532424, #87532442 and #12758149161 totaling \$19,846.41. Motion passed unanimously.

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

*Move Funds to PLGIT –*

Kling informed Council that she would like to move funds from the General Fund account with Truist to PLGIT. Council discussed and agreed to move \$190,000.

*UPDATE: Banking Transfer to York Traditions –*

Councilperson Barlett asked Kling for an update regarding the transfer of banking to York Traditions. Kling informed Council that she has been in communication with Jamie Reid. Discussion was held regarding “remote deposit capture”, a way to deposit checks without going to a physical bank. It was concluded that not many deposits are made through a month. Councilperson Hess questioned when the final transfer from Truist bank to York Tradition will be completed. Councilperson Barlett is aiming for August 2022.

*2022 Audit –*

Kling requested direction from Council and Attorney Kern as the assistant auditor, Chris Zielinski, has moved out of the Borough. Council discussed appointing Jim Garvin as a solo auditor since he is a CPA. Attorney Kern will do more research into this matter. Kling was also informed by Jim Garvin that the audit will likely not be completed until August/September. Council requested firm confirmation that an extension was submitted.

*New Lawn Mower Payment –*

Councilperson Schleig received confirmation from Ace Manchester Hardware that the new lawn mower was ready and could be delivered by Thursday May 12<sup>th</sup>. However, Ace Manchester Hardware requested payment prior or day of delivery. A Schleig/Hess motion was made to approve the check payment as funds were already approved and budgeted for. 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.
  - o Have many more coming up this summer.
- No update from York County Regional Police Board meeting.
- UPDATE: Ordinance Violation
  - o Property located at corner of South 2<sup>nd</sup> Street and Maple Street
  - o All vehicles located on property have been inspected and registered.
- UPDATE: Inch & Co Rock Blasting
  - o Will begin this Friday.
  - o Will post on Facebook to inform residents.
  - o It is very likely that most residents will not feel blasting happening.
- UPDATE: Cell Phones for Borough Employees

- Council agreed to buying Net 10 cell phones for Municipal Secretary Rachel Kling and lead Maintenance Worker Keith Orendorf.
- Mayor Mo will handle this purchase.

**Streets:**

Councilperson Denny Naylor reported on the following:

- UPDATE: Street Sweeping
  - Overall was a successful street sweeping.
  - Mayor Mo made comment that more Council members need to be involved in placing flyers on residents' cars.
  - Councilperson Josh Parish stated that if help is needed to make a phone call.
- Council President Darryl Main requested that Naylor request HRG inspected the second bridge on Walnut Street.

**Parks and Recreation:**

Councilperson Dan Schleig reported on the following:

*UPDATE: Security Camera at Mount Wolf Park –*

Schleig informed Council that the router needed to complete the set-up work for the security cameras at Mount Wolf Park is being held up by Comcast delivering it. Councilperson Josh Parish highly suggested contacting Comcast and informing them that not having the router delivered yet is a life safety risk. Schleig will contact Comcast immediately.

*Community Park Events –*

Schleig informed Council that he would like to create a calendar through Microsoft 360 for all approved community park events. Councilperson Josh Parish stated that would be an easy task to complete.

**Properties/Services: NONE**

**Budget & Finance: NONE**

**Health and Safety:**

Councilperson Josh Parish reported on the following:

*Ambulance –*

- 89 calls for the month with a 120 second chute time.
- NEAEMS is still looking for paramedics and EMT's which is becoming extremely hard.

*Fire –*

- No report received for April but did receive a report for March.
- 11 calls for the month of March, two within Mount Wolf Borough.

*Police –*

- New police department seems to be working well.

- Continue to review reports issues by administration, looking closely at hours.
- Interested to hear any comments from the new department at six month meeting.

**Personnel:**

Councilperson Todd Hess reported on the following:

*Standard Operating Procedures –*

Hess and Municipal Secretary Rachel Kling have concluded that it may be easier to communicate back and forth via e-mail to complete this task. Hess has sent a drafted version so far to Council to review. He requested that Council review.

**Council President:**

Council President Darryl Main reported on the following:

- Newly appointed Councilperson Brian McKenna will be assigned chair of Properties/Services.

*UPDATE: Zoning Ordinance –*

Council was provided with a draft version of the updates made to the Zoning Ordinance. Main would like for Council to extensively review this draft and come prepared to discuss at the May Committee meeting.

*Complaint from Mount Wolf Wolves Volunteer –*

Main received a complaint from a resident that volunteers with the Mount Wolf Wolves. Complainant stated that a recreational team left the ballfield at Mount Wolf Park a mess. E-mail was sent and communication regarding this complaint was held. Picture evidence is now required before and after use of the ballfield.

*Community Service Request –*

Main informed Council that a community service request was submitted. Main reached out to lead Maintenance Worker, Keith Orendorf and was informed that there is work that can be completed by these requests.

**Correspondence: NONE**

**Old Business:**

- Postcards Rental Property Maintenance Code
  - o Mayor Mo sent postcards out to rental property owners regarding the last Committee meeting to inform of discussion.
  - o Unfortunately, the post cards were mailed out the day before the meeting, therefore, most did not receive notice of this meeting until afterwards.
  - o Most rental property owners have requested a second meeting to continue discussion.
  - o Council agreed to this request however a time limit of 45 minutes will be established.
  - o Attorney Kern made suggestions to Council for this meeting.

**New Business:**

- Resolution Request from Abbottstown Borough

- Abbottstown Borough requested for Mount Wolf Borough Council to consider passing Resolution to legalize the hemp industry and medical marijuana industry in PA. Abbottstown Borough passed Ordinance to decriminalize cannabis within their Borough. Attorney Kern commented that Council is not under an obligation to support this request. After a brief discussion Council concluded that they are not in favor.

**Executive Session/Adjournment:**

At 10:04PM a Parish/Hess motion was made to adjourn Mount Wolf Borough regular monthly meeting and move into Executive Session to discuss pending litigation. Motion passed unanimously.

Rachel Kling, Recording Secretary