

# DRAFT

## MINUTES OF THE NEW SALEM BOROUGH COUNCIL MEETING

February 6 ,2024 at 80 N. Water Street, York New Salem PA

The New Salem Borough Council met in regular session on Tuesday, February 6, 2024. The meeting was called to order at 7:00 pm by President Martin who led those in attendance with the Pledge of Allegiance to the Flag.

### **BOROUGH COUNCIL PRESENT**

Kim E. Martin, President  
William Baldauf, Vice President  
Peter E. Partridge, Pres. Pro-tem  
Harvey E. Thumma Jr.  
Sue Ann Becker  
George K. Donavos

### **BOROUGH OFFICIALS PRESENT**

Edward Mundorf, Mayor  
Jeff Koons, Zoning & Codes Officer  
D. Michael Craley, Solicitor  
Samantha Craley, Assistant Solicitor  
Judy Albright, Sec-Treas.  
David Lipinski, Borough Engineer

### **OTHERS PRESENT**

Crystal Overmiller  
Randy Mitzel  
Kevin Willis  
Michael Messinger

### **BOROUGH COUNCIL ABSENT:**

None

### **BOROUGH OFFICIALS ABSENT:**

Mike Hammers, Building Code Officer

Note the following Abbreviations:

“CP” = “ Council President”

“CM”=Councilmember

“S/T” = “Secretary/Treasurer

“Sol.” = “Solicitor

“Engr.” = “Engineer”

“Z&CEO” = “Zoning &Code Enforcement Officer”

**1. Engineer’s Report** – Eng. Lipinski reported the permit was received for the ADA ramps at the Sunoco station.

a. Eng. Lipinski was awaiting information on the budgeted amount so he can finalize how to proceed with advertising. CM Partridge indicated this was sent to him via email. Sol. Craley explained the prevailing wage laws which are unclear on the dollar amount required before prevailing wage would come in to play. Because there is some confusion on the amount he is suggesting the Borough remain at the \$25,000.00 threshold in total costs before prevailing wage would exist. Since the inlets and road work would be above that amount he is suggesting that both projects be advertised together and be quoted as prevailing wage work. All council members agreed.

b. A letter was presented from DEP indicating the Borough did not need a licensed sewer operator and the engineer and council could disregard previous communication indicating otherwise.

Eng. Lipinski was approached by CM Partridge as a representative of the Sherwood Forest II HOA. It seems the HOA is having difficulty retaining officers and the question arose of what would happen if the HOA was no longer in existence. He further indicated that previously in other municipalities, a property management company took over for the HOA. Sol. Craley indicated that the Borough does not have responsibility to do maintenance for the HOA. They would only be responsible for storm water

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maintenance. Presently the developer is responsible for everything until such time as all lots are developed and there is no indication when that might be.

Discussion ensued with Eng. Lipinski, Jeff Koons, Z&CEO and Sol. Craley regarding the property at 286 N. Main St which is a vacant lot. Z&CEO Koons has been contacted regarding the possibility of placing a single family home on the lot. Everyone agreed that since it would be approximately 350' to the nearest sewer connection that a septic system would be required and the proper way to start would be to obtain perc and probes. Z&CEO Koons will get in touch with the individual requesting the information.

## 2. Z&CEO's Report

- a. Timothy Freyman, 105 W George St regarding junk. A lien company is addressing all violations. Sol. Craley reported he did receive a check from the lien company for all outstanding sewage arrears but the check was not signed and had to be returned.
- b. Loubriel Lopez, 51 N Main St dumped garbage on State Games Lands and he was contacted to clean up the dumping there. Some of the household items at his N. Main St. property have been cleaned up but it appears others have taken their place.
- c. Yohe, 27 N Main St. is working on cleaning up the property but it is ongoing.
- d. Nelson Soto, 249 N Main St. for keeping of vehicles on the property and installation of a fence without a permit. Property owner has until February 29, 2024 for compliance.
- e. 119 W. George for noise complaint. Turns out this is a neighbor dispute and no further action is required.
- f. Oscar Mendez, 123 W. George St for parking on the grass. He is now in compliance.
- g. Christopher and Kimberly Markel, 4062 Robin Hood Dr for front porch storage violation. Some items have been removed but followup will be required.
- h. Jed Beckman, 286 N Main St, regarding an on lot sewage disposal system and how to proceed. He will be advised to start with perc and probes first.

## 3. BCO's Report – absent none presented

**4. FIRE COMPANY REPORT** – update on liability insurance. Crystal Overmiller, President reported they are presently working on trying to get additional quotes from other companies. She is working on providing the Council with the financial information they are requesting along with other information they have requested. Ms. Overmiller asked Council if they could approve the use of Fire Police to help those in attendance at Bingo with crossing the roadway. Sol. Craley suggested the Fire Police be permitted to operate at functions approved by Council. On a motion by CM Partridge, seconded by CM Thumma and carried the Fire Police are approved on Bingo nights but any future requests will need approval from Council to function at events.

Due to the volume of research and activity Ms. Overmiller did not get to work on the emergency signage but will in the future. The meeting on February 10, 2024 with the York Water Co being held at the fire

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station is noted on their calendar and they are prepared for it. It was suggested that the fire company be opened by 1:00 PM to permit sufficient time for those wishing to attend.

CP Martin, CM Partridge and Mayor Mundorf will prepare a list of items to talk about at this meeting. Sol. Craley reminded them that no discussion, no deliberation and no decisions can be made at this informal gathering

## 5. PUBLIC COMMENT

Kevin Willis, 74 N Main St. is requesting permission to move his mailbox from out of his driveway to along the roadway in front of his home. Sol. Craley pointed out that an ordinance was passed that no mailboxes were permitted along Main St. All homeowners are permitted a secure lockbox at the Post Office at no charge. Mr. Willis indicated he heard that is not the case. He has been reassured that the Post Office box is at no charge. Mr. Willis also would like a No Outlet sign be placed directly below his address on the Borough blue house number sign. All members of council agreed he could place the No Outlet sign on the same post as his house number.

Michael Messinger, 4129 Robin Hood Dr. questioned if Council would be doing anything with regard to the new information where York County and Spring Grove School District will be offering a discount to active and retired fire personnel with regard to their taxes. CP Martin indicated the Borough has not taken any action on this.

## 6. Approve January 2<sup>nd</sup> Council Reorganization and Meeting minutes

On a motion by CM Becker, seconded by CM Partridge and unanimously carried, the minutes were approved as presented.

**7. Solicitor's Report** – Provided earlier information about Freyman property and the lien company sending a check for all sewage arrearages but check not signed.

ST Albright had questioned at what sewer delinquency would sewer arrearages by liened. Sol. Craley indicated after any resident is 3 quarters delinquent information should be provided to him for filing.

Mrs. Heckert continues to make payments on her delinquency. She was very upset when she viewed the condition of her property by the tenants.

Sol. Craley updated Council on the State Workers Insurance Fund (SWIF) who handles claims for fire police personnel injured in the line of duty. This is why the fire company needs to get Borough permission for Fire Police work taking place within the Borough.

## 8. Unfinished Business

a. Sale of sewer system to York Water Co public meeting on 2/10/24 at the fire company building. CP Martin indicated the goal is only to inform the residents the Borough is starting conversations with York Water Co but it is in the beginning stages. York Water Co should be handling the information. The Borough could take notes during the information.

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- b. Restoration of Borough placard on W. George St – CM Partridge did check with Ryan Yohe who is unable to do the work. He referred him to another individual who submitted a quote of \$740 to complete the work. CM Partridge will continue to search for other quotes.
- c. Vacancy Board appointment – Because the interested person, Susan Barley is on Planning Commission she will need to submit her resignation from that position before she can be appointed to the Vacancy Board. Her husband, Carl, would be interested in filling the then vacant seat on Planning Commission. This was tabled until the March meeting.

CP Martin indicated there would still be one vacancy on the Planning Commission. All Council members agreed she should talk to Kevin Willis of 74 N. Main St regarding filling this vacant seat.

### 9. New Business

- a. Revision to letterhead logo – CP Martin presented several options to change our present logo to a more professional looking one. CM Partridge wanted to add “York County and Pennsylvania” under her new design. On a motion by CM Partridge, seconded by CM Baldauf and unanimously carried, the new logo with York County, Pennsylvania added to the top is approved.
- b. Maintenance & cleaning of Borough building – The Borough building hasn’t been cleaned regularly in some time and CP Martin is suggesting this be changed. CM Thumma and the building committee are to make a list of supplies needed and the thought of each Council member volunteering their time to do the cleaning toward the end of each month is a possibility. CP Martin also asked about painting the interior of the building. CM Donavos is to check with someone he knows who does painting for a quote. He was later able to learn this individual is not available to do the painting. CM Donavos will continue his search.
- c. Appoint Planning Commission member – tabled until the March meeting
- d. Peoples Bank letter to update authorized individuals – letter directing the following

*To Whom It May Concern:*

*This letter is to attest to the following action taken by the New Salem Borough Council, meeting in regular public session on February 6, 2024, at which a quorum was present. The text describing this action appears below. Immediately following this action, the borough Council voted to approve the use of this exact text to describe the action taken in the recorded minutes of this meeting.*

*Description of Action taken that is approved by Council for Inclusion in the Meeting Minutes:*

*The following motion was made by council member Thumma , seconded by council member Partridge:*

1. *To add Kim E. Martin, council President as an additional person authorized to sign checks on all New Salem Borough accounts at Peoples Bank and PLIGIT.*

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2. To add Kim E. Martin, Council President as an additional person authorized to have full-service access to Peoples Bank and PLGIT on-line banking services for all New Salem Borough accounts at Peoples Bank and PLGIT including the authority to read and download monthly account statements and other account data, and to transfer funds between New Salem Borough accounts or to and from external accounts belonging to New Salem Borough.

3. To remove Edward R Mundorf, William F Baldauf and Peter E. Partridge from having any authority to conduct any activity regarding New Salem Borough accounts at Peoples Bank and PLGIT to include signing checks and accessing account information via on-line banking.

Attested to this 6<sup>th</sup> day of February 2024.

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*Kim E. Martin – New Salem Borough Council President.*

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*Judith A. Albright – New Salem Borough Sec-Treas.*

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CM Baldauf asked if he could discontinue receiving emails from PLGIT regarding checks presented for cashing. Since he is being removed from the account, this will remove him.

e. Update Rules of Procedure for public comment – CP Martin presented a revised version of these rules. On a motion by CM Partridge, seconded by CM Thumma and unanimously carried, the new rules are approved with number 7 being added to open another Public Comment period at the end of the session for residents to speak.

f. Boro's responsibility to Sherwood Forest II HOA – discussed earlier. CM Partridge did indicate if this might require just a change in the HOA by-laws, that could be accomplished easily. However if it is in the covenants, it would require a 2/3 vote of the residents to make a change. If the Borough were to do the storm water maintenance, they may need to assess the residents for any costs incurred. Sol. Craley indicated municipalities do not like to take over storm water basins as they would need to use general tax funds for just a certain area of residents. No decision made as the developer is responsible until all lots are developed.

**10. Treasurer's Report** – on a motion by CM Becker, seconded by CM Baldauf the report was approved. Mayor Mundorf questioned the amount in the sewer funds. He thought that the outstanding balance with Webster Bank could be paid down. CP Martin asked the sewer committee to look into a possible pay down.

Mayor Mundorf asked ST Albright about the paycheck for the tax collector. In previous years she was paid in early December and tax payments after that time were included in the following year figure. ST Albright indicated she was not aware of paying the tax collector but will include her in the next pay period and in the future include her in the January pay period so she is paid commission for all the funds she has collected.

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**11. Secretary's Report** – The bill sent to the Sunoco Station owner for engineering work remains unpaid. Consensus is that ST Albright is to contact Eng Lipinski and inform him not to do any additional work until this invoice is paid.

There was a major problem with QuickBooks and year end W-2's and 1099's. QuickBooks indicated it would be 60-90 days till they could research the problem. She had to manually prepare them and forward to IRS and Pa Dept. of Revenue by the deadline of January 31, 2024. She asked permission to contact an individual who may be able to help with the QuickBooks problem. She will contact them for a price and report back. It was learned that we will be able to continue paying payroll liabilities quarterly. Year end reports were filed with Liquid Fuels, Tax Information, Report of Elected Officials, PURTA, and Auditor General AG-385 for Foreign Fire Insurance for the fire company.

ST Albright also tried to order non-traffic citations for Z&CEO Koons. The company name provided stopped printing them February 1, 2024 and the local magistrate will no longer accept them after April 1, 2024. She was advised the Z&CEO will need to use a criminal complaint to file. Sol. Craley suggested he may want to check with the local magistrate prior to filing.

Invoices were prepared and sent to 8 residences for non-removal of snow on sidewalks. Tyke Shubert did the work and total amounted to \$550. Thus far 1 has paid and 1 contacted the Borough for pictures. Leaf collection by Spring Grove Borough was billed at \$6942.50.

There was discussion on copying the entire packet for the council members. It is suggested that they be printed on 2 sides to cut down on paper.

**12. Mayor's Report** – He attended the January 11<sup>th</sup> meeting of the fire company where he swore in 9 Fire Police. They are working on changes in sending out minutes and financials. He also noticed a hole in the middle of the floor where Bingo is held. Andy Martin told him that the fire company needs a new building and the Borough should move in with them. Mayor Mundorf received a call from Tim Byers (former fire chief) indicating problems within the fire company and he would like the Borough to step in and appoint him Fire Chief. He was referred to the President of the fire company Crystal Overmiller. During a disciplinary meeting between Ms. Overmiller and Andy Martin, then chief, Mr. Martin resigned from the fire company. Mayor Mundorf also received a call from Neil Gunnet regarding the bad practices going on in the fire company.

Mayor Mundorf indicated Ms. Overmiller is working hard on getting everything in order and to provide the necessary documentation to Council. He will continue to attend their meetings and follow up.

The Mayor also did a follow up with Larry Markel, Windsor Borough regarding their police coverage. They only use Pennsylvania State Police and are extremely happy with them,

CP Martin asked that the Mayor put a notice on the Borough's website regarding the upcoming meeting with York Water Co. She has posted it to Facebook.

There was discussion on how long to keep the minutes on the website. Mixed thoughts from Council on this and the Mayor will keep them all there for now.

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**13. Police Report** – Asst. Sol Craley reported no crime for the period October 1, 2023 to December 31, 2023. There was 1 crash but it was non-reportable. There were 11 citations issued (4 in October and 7 in November) for speeding along with 6 warnings for miscellaneous violations.

### **14. Committee Reports**

Building – CM Thumma is to contact Stambaugh's Plumbing regarding the furnace cleaning  
Highway, Sewer and Sidewalks had no comment.

**15. Around the table** – CM Partridge reported the 2 solar speed signs have been received. He feels they may require help installing and will contact Spring Grove Public Works. CM Donavos, CM Becker, Mayor Mundorf, CM Baldauf, CM Thumma all had no comments. CM Pugh indicated he would be willing to serve on committees. He will be added to the Building and Highway Committees. CP Martin indicated she spoke to 2 ladies on S. Main St who might be willing to participate on a committee for the Borough's 150<sup>th</sup> anniversary.

### **FURTHER PUBLIC COMMENT**

Randy Mitzel, 14 S Main St reported a utility pole across from his residence is still not fixed. It is strapped to a new pole installed but he feels it is dangerous. Sol. Craley indicated these poles are regulated by PUC and there is no suggestion on when it might be totally corrected.

With no further business, the meeting was adjourned at 9:00 PM.

Respectfully submitted by Judy Albright.