

APPROVED

**MINUTES OF THE NEW SALEM BOROUGH COUNCIL MEETING**  
**June 7, 2022, at 7:00 pm in the Borough Municipal Building**  
**80 North Water Street, York New Salem PA 17371**

The New Salem Borough Council met in regular session on Tuesday, June 7, 2022. The meeting was called to order at 7:00 pm by President Mundorf who led those in attendance with the Pledge of Allegiance to the Flag.

**BOROUGH COUNCIL PRESENT:**

Edward R. Mundorf, President  
William F. Bauldauf, Vice President  
Kim E. Martin, President pro tem  
Susan P. Barley  
Sue Ann Becker  
Cecilia Harvey  
Harvey E. Thumma Jr (left at 9:08 pm)

**BOROUGH OFFICIALS PRESENT:**

Ronald M. Franklin, Mayor  
D. Michael Craley, Solicitor  
Samantha Craley, Assistant Solicitor  
Peter E. Partridge, Secretary/Treasurer  
Jeff Koons, Zoning/Code Enforcement Officer  
Mike Hammers, Building Codes Officer  
David Lipinski, Borough Engineer

**OTHERS PRESENT:**

James Pierce, Fire Chief

**BOROUGH COUNCIL ABSENT:**

None

**BOROUGH OFFICIALS ABSENT:**

None

Note the following title abbreviations:

“CM” = “Councilmember”

“Pres.” = “President”

“S/T” = “Secretary/Treasurer”

“Engr.” = “Engineer”

**Public Comment**

Resident Tobin O’Conner of 122 S. Main Street reported that there was a depression about 4 ½ inches deep near a sewer manhole in the south bound lane of the roadway in front of his house. This depression has been there for quite a while and is continuing to sink such that it is a hazard to vehicles running over it. A man damaged his motorcycle when he ran over it. Mr. O’Conner said that the problem has existed for at least 5 years and that he has complained to Council for 2 ½ years about it and so far nothing has been done. Engr. Lipinsky said that the recent inspection of the sewer system by Mr. Rehab showed no serious problems that might explain the sinking.

***Motion by Barley/Thumma to authorize Engr. Lipinsky to review the sewer inspection report for that area, to inspect the area, and to report back to Council what was causing the depression and what the cost would be to repair it. Motion carried unanimously.***

Engr. Lipinsky said he would look at it before the next council meeting and have an update.

Fire Chief James Pierce reported that it was a busy month for the fire company, that the equipment loan had gone through and the equipment is now on order. This year has been their busiest in 8 years with 79 calls as of the end of May and 7 more so far in June. He discussed the problems with training the younger volunteers and what they are doing to address these problems. As a result of his ideas for training the younger volunteers he has been asked to sit on an advisory board for the state representing five counties. He inquired whether the Borough has given any consideration to purchasing portable stop signs that can be placed at the Main and George Street intersection in the event of loss of power at the traffic light. There have been 4 outages in May alone. The stop signs should cost less than \$50 each. After some discussion about who should purchase and deploy the signs, the Borough or the Fire Company, the consensus was that the Fire Company should purchase the signs because they can get them at a discount, and the Borough will reimburse the Fire Company.

***Motion by Thumma/Becker to authorize the Fire Company to purchase two portable stop signs at a cost not to exceed \$100 for which the Borough will reimburse the Fire Company. Motion carried unanimously.***

Chief Pierce said that the council members have an open invitation to observe fire company joint training and that he would let us know when those joint training session are being held. He went on to describe the manpower shortage that exists and the necessity to have good equipment to make up for the lack of volunteers. He brought up a rumor that he heard that New Salem is thinking about not supporting the New Salem Fire Company and seeking fire protection elsewhere. CM Barley responded that it has never been discussed.

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### Approval of Minutes from Last Council Meeting

S/T Partridge stated that several minor errors have been brought to his attention and were corrected.

Pres. Mundorf reviewed the action items from these minutes. He inquired whether Engr. Lipinsky or the Building Committee had looked at the clogging of the storm drain that runs under W. George Street a few houses west of Water Street that was brought up at the last council meeting by CM Harvey. No one had and it was agreed that the Building Committee would look into it and report back. He inquired whether the check from Mr. Hewitt had been received. S/T Partridge said it had and is in the bank. Mayor Franklin said he had delivered one of the returned sewer bills to his neighbor and explained to her that she needed to get a post office box because Borough ordinance prohibited her from having a mailbox for safety reasons. She agreed to do so.

***Motion by Barley/Martin to accept the May 3rd meeting minutes as corrected. Motion carried unanimously.***

### Zoning and Code Enforcement Officer's (Z&CEO) Report

Z&CEO Koons provided the following report which is also included in the meeting packet:

Permits issued in May:

James and Debora Wilt, 4177 Robin Hood drive, 12X14 accessory structure

Ron and Lona Franklin, 75 W. George St, free standing patio covering

John and Whitney Warner, 4053 Robin Hood Dr. for Portico

Judith Vasquez, 1113 Scarlet Dr for fence.

Enforcement actions taken:

- Freyman 105 W. George st on junk, DJ hearing was scheduled for 3/3/22. Hearing has been delayed, paperwork was never served, I gave the street address to DJ office and paid fee for constable delivery on 3/3/22. Case had been dismissed 3/24/22, Refiled 5/27/22
- NOV sent to 105 W. George St (Freyman) regarding chapter 55, poultry, rooster
- Sherwood plaza discussion last month on cement block wall at dumpster, 2 locations and 4 dumpsters, no LDP (Land Development Plan) at courthouse.
- NOV (Notice of Violation) sent to Sharon Streibig for cease use of ATV riding and excessive burning of 5 burn barrels.
- NOV mailed to 4013 for leaf pile on road at water way. (Compliance complete)
- NOV mailed for 30 S Main St again for vegetation on dwelling and barn.(Hewitt)(in process)
- Antique shop parking, rock storage, selling ice cream, parking on side walk... In process
- Discussed the future of mobile home beside gas station. (NIF Holdings)
- NOV mailed, 51 N Main St, 2 goats, made 4 attempts to discuss with them, reported to AEO (Animal Enforcement Officer),
- If violation continues after compliance date, do I need Borough council approval to file a civil complaint.
- NOV sent to 4107 Robinhood Dr (Heater) for parking and registration (6/13)
- 301 N Main St (Diaz) meeting with him 6/4

In further commentary on this report Mayor Franklin said that he talked to Freyman who gave him his phone number to give to anyone that wants to talk to him. There was also some discussion about when Sherwood Plaza was developed and where the development plans might be and it was concluded that there was really no problem with the dumpsters as is. Sharon Strebig said the burn barrels are gone the ATV has been sold. The owner of the mobile home beside the gas station said he had plans to get rid of it and put up a duplex which Z&CEO Koons said is not allowed. That property has been cleaned up a bit. Regarding the goats, the AEO reported them to the SPCA. Solicitor Craley confirmed that Z&CEO Koons does not need Council approval to file a civil complaint with the District Magistrate. Mr. Heater of 4107 Robin Hood Dr. is now in compliance and Lous Diaz is pretty much in compliance, not 100% but reasonable. Z&CEO Koons brought up the issue of what material is acceptable for off street parking. Zoning Ordinance Chapter 240-20 F. says: *"Paving. For all uses, required parking areas shall be paved with concrete or bituminous paving material or other material of a sort acceptable to the Borough Engineer."* After a lengthy discussion, Solicitor Craley stated that the main considerations in selecting the paving material should be public safety, dust or other debris that goes off the property, and storm water management. With respect to the goats, S/T Partridge said that he recently received and paid a bill from Klugh Animal Control for animal control services rendered on April 5th. Invoice

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stated: On "4/5/2022 Complainant Christopher Nachman Called to inform us of a Husky that killed his chicken and goat at 71 N. Main St. dog lives at 35 Forry St. spoke with owner Melissa Stone (717)668-6906 warning out verified 3 licenses

Time:1x\$19.50 Mileage: 22x\$0.85+\$1 Surcharge = \$39.20

*As of 5/10 we have been notified that York New Salem is no longer covered by West Manchester Township we will need a signed contract for 2022, Flat rate or time and mileage. If you would like to continue services, please E-mail or call the senior officer at (717)916-1413"*

S/T Partridge called Klugh and requested a copy of the contract. He only brought a few copies with him to the meeting and handed one to Solicitor Craley for inspection. Solicitor Craley said if there is a violation the violator can be charged the cost. Pres. Mundorf suggested copies be sent to all of the CM's before a vote is taken on accepting the contract. S/T Partridge agreed to do so. Z&CEO Koons said that to the best of his knowledge the goats are still there and S/T Partridge added that Klugh told him they had reported the incident to the SPCA who were going to send one of their officers out to investigate. According to Asst. Solicitor Craley the SPCA, to whom we make an annual contribution, is the only agency authorized to impound animals and must have a court order to do so. Solicitor Craley said that most municipalities in the area have contracts with both Klugh and the SPCA. Apparently Klugh does the initial investigation and verifies licenses and issues warnings. They responded in this case to a resident's call because they normally were paid by West Manchester as part of the police services West Manchester use to provide to the Borough. This service was transparent to us because it was included in the flat fee we paid for the police services. Z&CEO Koons said he will call the SPCA to see what action they have or would be taking regarding the goats.

### **Building Code Officer's (BCO) Report**

BCO Hammers reported that he issued a permit for electrical service upgrade and for the construction of a portico on Robin Hood Drive, and that his recertification is complete. Two times, on the 27<sup>th</sup> and 28<sup>th</sup> of May, he made a survey of the Borough looking at pools. He found one pool at 4020 Robin Hood Drive that is not fenced and whose side walls look to be less than 48 inches in height. Fences are required when sidewalls do not exceed 48 inches in height. He knocked on the door but no one answered so he was unable to verify the side wall height. CM Baldauf mentioned that property was just behind CM Thumma's house. He was able to use the new mail slot in the Borough Building door to drop off a \$50 check for the electrical upgrade permit. S/T Partridge responded that he had retrieved the check and will deposit it. BCO Hammers said he would be out of town until the 24 of June. He had sent S/T Partridge a filled-out form documenting the change of Building Code Official from John McLucas to himself which the Borough is required to submit to the UCC Certification Unit of the PA Department of Labor and Industry. It just needed to be signed by a Borough official and mailed which S/T Partridge said he would take care of.

### **Engineer's Report**

ADA Ramps at Sunoco Station – PennDOT returned the permit application for additional information which was provided and the application was resubmitted. He said the latest information he had received from the Penn DOT project manager on the start of the Main Street resurfacing project was sometime in May. He has told PennDOT that time is of the essence to get this work done but he is dealing with new people at PennDOT and it has been very frustrating. He has been in contact with the Sunoco Station owner who said that he has been in contact with contractors to do the work. If the Sunoco Station owner does not have a contractor to do the work by the time the PennDOT contractor has started resurfacing the road, Engr. Lipinsky recommended we see if PennDOT's contractor can do it and not delay their work for PennDOT. If this were a separate contract with the Borough, the Borough would recover the cost from the Sunoco Station.

Fire Company Signal – He is working on that – found some issues with the beams but needs to consult with the Fire Chief.

Forry Street Safety – He finally received information from Mr. Wright, the PennDOT rep who met with us last month. He had been on medical leave and that is why he has not been able to respond until now. He is reviewing the information.

Robin Hood Base Repairs – waiting on information from York Water Company on whether they tested for and found any water leaks. S/T Partridge said he had put in a request to their customer service for this information but has not heard anything back so will reach out to them again. The rubberized sealant Engr. Lipinsky recommended should last two or three years but would not fill in the cracks and dips. CM Barley cautioned Council to be careful what they say to residents about issues in the Borough because a resident had told her that a CM had said that the dips in the road were because the sewer was not

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installed properly and this resident was concerned that it was going to cost the Borough to correct the situation. Over the past 13 years or so since the sewer was installed, there has been nothing to indicate that it was improperly installed including the just completed visual inspection of the sewer by Mr. Rehab.

Scarlet Drive Inspection – Peoples Bank was requested to renew the performance bond and Engr. Lipinsky will contact the developer to address the items in his inspection that need to be fixed before the developer can apply to the Borough to adopt the road and release the bond. Engr. Lipinski said to get liquid fuels funds in an upcoming year for a newly adopted road the adoption paperwork and ordinance will need to be into PennDOT by the previous September 1<sup>st</sup>. Some discussion ensued about the end of Palmer Drive which is just within the Borough limits yet was never adopted by the Borough. Because this stretch of road is less than 250 feet long and does not terminate in a cul-de-sac, it is not eligible to be put on the liquid fuels list so there is no incentive for the Borough to adopt it. Pres. Mundorf said he would talk to the residents about this situation.

Sanitary and Storm Sewer Inspections – Engr. Lipinsky said he reviewed the two reports and that the sanitary sewer lines were in good shape but there were some defects in the storm sewer lines that would need to be addressed. He was asked to come back next month with his recommendation and a cost estimate.

Engr. Lipinski reported that he had received a call from Jerry Austin, an appraiser for Stock & Leader, related to the landlocked property behind the Sherwood Inn. He handed out copies of a drawing to illustrate the issue at hand. A long discussion then ensued about what was going on with that property, the recent sale by Lous Diaz of a 30-ft right away through his property to the street that when combined with an existing 20 ft right-of-way through the Sherwood Inn property now gave this land locked property the 50 ft right-of-way it needed to develop the property. Engr. Lipsinski suggested that the Borough, which has an existing storm sewer line in that easement, might want to establish a utility easement into that property for other types of services. Solicitor Craley said it was probably too early in the development process to know how it would all sort out but that we needed to keep ourselves apprised.

Finally, Engr. Lipinsky described a phone call he had received from an engineer who use to work for PennDOT but now worked for a traffic design firm who had received an RFP from PennDOT to submit designs for improving the intersection of Main and George Streets and wanted to know what issues or ideas for improvement the Borough might have with this intersection. S/T Partridge said this person had called him first and he referred him to Engr. Lipinsky but also told him that a traffic circle would be nice it where possible to fit one in. Engr. Lipinsky said he has had 3 conversations with this engineer and several with other firms that were working on this same RFP. Condemnation of property apparently is off the table, however they did want to know if any of the adjacent property was on the historic register. S/T Partridge said when he and Andy Shaffer had a meeting with PennDOT several years ago to brainstorm what could be done with that intersection, PennDOT said that the two properties on the South East and South West corners were on the historic register and, therefore, could not be condemned but that the property on the North West corner was not. CM Martin said that she was aware of things about that property that could enable them to be put on the historical register if they were to apply. Engr. Lipinsky said he thought that the Borough would probably not have any input into PennDOT's selection of a design engineering firm and a contractor to implement it but may be asked to comment once they have been selected.

### **Solicitor's Report**

Status of sewer Arrearages – Solicitor Craley reported that Mr. Hewitt had paid the full \$8,528 of sewer arrearage that he owed. S/T Partridge confirmed that the payment had been received and deposited in the Borough's sewer account. Regarding the Freyman situation, he received an email from the tax collector that she had gotten a request for a tax certification for Mr. Freyman for a refinance. He immediately got a hold of the settlement company and told them that there were two sewer liens on this property and to keep him posted. There is one other property he thinks is on W. George St. that is a couple of quarters delinquent and we do not have a valid address – neither the PO Box 316 address nor the George St. address work. He will be getting to the water shutoffs as well.

Latest ARPA Funds Spending Guidance – Solicitor Craley had also reviewed the PSAB ARPA presentation forwarded to him by S/T Partridge that is reproduced in the meeting packet. Slides 8 and 9 of this presentation state that the expenditure restriction on revenue loss has been liberalized for most recipients, the Borough included, i.e., there is now a \$10 million standard allowance for revenue loss with no proof of actual loss required. This means that the Borough can use its ARPA funds for general expenses as enumerated in slide 10 with the few exceptions enumerated in slide 11. Good records must be kept of all expenditures. Decisions on how to spend this money should be made in time to include in next year's budget. The second

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trunch of ARPA funds (\$41,396) should arrive sometime this month or in July. The first trunch of ARPA funds currently reside in a separate account at Peoples Bank which will be put into its own fund separate from the General, Sewer, and Highway Aid Funds.

### Unfinished Business

Secretary/Treasurer Search – Pres. Mundorf reported that Indeed was being used again to identify potential candidates, that several had been identified and interview by phone, and that in-person interviews are being scheduled beginning this Thursday.

Storeroom to Office Conversion – S/T Partridge reported on the progress that has been made in converting the old storeroom into an office. In removing the ceiling tiles, evidence of mold was found on the insulation batts and a mold remediation contractor was hired at a cost of \$1,500 to remove all traces of mold in the ceiling area. The contractor also inspected the roof for potential water leakage and found one spot that could eventually be a problem and should be repaired (see photo in meeting packet). CM Thumma gave S/T Partridge the contact information for a roofer recommended by Elwood Bahn. CM Martin and S/T Partridge purchased a carpet remnant, cove base molding, paint, and an item of used furniture to be used as a printer table and painted the room. CM Martin obtained a high quality desk donated by a friend of hers. President Mundorf installed a new drop ceiling and recessed lighting, and a mail slot in the side door. All of the above cost \$2,111 against an authorization of \$2,500. S/T Partridge ordered an HP color laser jet all-in-one printer which is currently at his house and was used to print the meeting packet for this meeting. The printer plus a 4-year protection plan cost \$897 against an authorization of \$900. After some discussion the location of the water heater is believed to be in the ceiling above the Men's bathroom as indicated by a "Tank Alert" switch in the ceiling.

### Additional Public Comment

Referring to a resident who recently entered the building, CM Martin suggested that additional public comment may be in order.

Ashley Freyman of 105 W. George Street addressed the Council saying that she had come because she and her husband had received a notice that they were in violation of the Borough's ordinance regarding the keeping of chickens. Mrs. Feyman was extremely angry and upset and proceeded to berate the Council, singling out CM Harvey and the Mayor in particular, who also own chickens and live near her, using abusive and profane language. At one point in her tirade she threatened to shoot the Borough's Z&CEO, Jeff Koons, if she ever saw him on her property. Her exact words were: ***"I got a letter in the mail saying I have more than seven chickens, and Jeff somebody – is he here – he came on my property, and I swear to God if I ever see him again on my property he is getting f\*\*\*king shot at."*** Council members made several attempts to calm her down and to explain why she received the violation notice and why the ordinance was written the way it was after much research and consideration by Council. CM Martin finally asked Mrs. Freyman, the Mayor, and CM Harvey if they all intended to be in compliance with the ordinance by the next council meeting, They all said they would be in compliance by then. Mrs. Freyman finally abruptly got up and left in a huff.

A lengthy discussion among the CM's and officials present then ensued about Mrs. Freyman's behavior, the due diligence the Council had done in constructing the ordinance, how to protect our Z&CEO, and how to handle the situation going forward. One issue that needs to be resolved is under what circumstances, if any, does our Z&CEO have the authority to enter onto a violator's property.

CM Thumma leaves the meeting.

### New Business

Consideration of Moving Voting Poll Location – Pres. Mundorf, whose wife is the local Election Supervisor, outlined an argument for moving the Borough's voting poll location from the Firehouse to the Borough Building. After some discussion the consensus of Council was that this was a good idea that should be further explored with the York County Board of Elections.

***Motion by Baldauf/Barley to authorize Pres. Mundorf to explore with the York County Board of Elections moving the Borough's voting poll location from the Firehouse to the Borough Building. Motion carried unanimously.***

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Consideration of Penn Waste's Request to Move Start of Trash Collection One Hour Earlier – S/T Partridge referred to an email from Penn Waste included in the meeting packet that during hot weather when the temperature is predicted to exceed 90 degrees, municipalities allow trash collection to start one hour earlier than usual. After some discussion it was agreed that Council would honor this request.

***Motion by Baldauf /Barley to authorize S/T Partridge to reply in the affirmative to Penn Waste's request as stipulated. Motion carried unanimously.***

### **Financial Report**

S/T Partridge indicated that the financial report passed all his consistency checks and recommended that it be approved as presented. Given the current balance in the Sewer Fund of \$146,154, Pres. Mundorf inquired about the amount of reserve in the Sewer Fund that Council wanted to have. S/T Partridge stated it was \$150,000 indicating an extra payment on the principal was not in order at this time. CM Baldauf inquired if we would use the \$150,000 reserve to handle problems like the sagging that the gentleman brought up under public comment. S/T Partridge responded that we would or that we could use ARPA funds as we could for the Robin Hood road repair or many other general fund expenses.

***Motion by Barley/Baldauf to accept the Financial Report as presented. Motion carried unanimously.***

### **Secretary's Report**

Correspondence – S/T Partridge said he received a call complaining about the sight distance due to heavy shrubbery on the SW corner of Friar Road and Robin Hood Drive when turning right onto Friar from Robin Hood. He said he tried it and said that he did not have to pull onto Friar to see traffic on Friar coming from W. George. Other CM's said they have not had a problem either. This has been the only complaint so far of this issue.

News Items – The most important thing coming out of the PSAB Conference was the presentation on the latest ARPA developments which was discussed under the Solicitor's report. S/T Partridge said he stayed in a deluxe cabin at the Hershey Park Camping Resort, where he had stayed before when he had a camping trailer, saving the Borough several hundred dollars versus staying at the Hershey Lodge where the conference was held. Everyone's attention was then directed to the notice in the meeting packet about the next quarterly meeting of the York County Borough's Association. S/T Partridge said he needed to know by June 16<sup>th</sup> who wanted to go. The cost of \$16 a person is paid by the Borough. He also said he had received a letter about the upcoming MS4 waiver renewal and would be following up on that. Our waiver must be renewed every 5 years. Solicitor Craley said that he heard they were going to crack down on waivers this time and suggested we bring it up at the next council meeting for discussion with Engr. Lipinsky whose firm is much more knowledgeable about that subject.

### **Mayor's Report**

Mayor Franklin reiterated what the Fire Chief had reported about being busy the last month with many calls. He asked what would have to be done to change the chicken ordinance to allow chickens to free roam under their owner's supervision in the evening. He said chickens will go to their roost once it gets dark because they can't see. Solicitor Craley responded that we would have to go through the ordinance revision process starting with a proposal, submission to the York County and Borough Planning Commissions for approval, and then be advertised and adopted by the Borough Council, about a 4-month process. Pres. Mundorf said it would be helpful to know if any other municipalities in the area had such a provision. Some additional discussion ensued about how many properties in the Borough have chickens, maybe 5, whether turkey's were permitted, and how hard Council worked to kraft an ordinance that would be acceptable to most residents who were not sympathetic to allowing chickens.

### **Police Report**

Assistant Solicitor Craley reported on data she obtained from the State Police website dashboard. In March there were 4 crashes, one was proceeding without clearance after a stop sign, and 3 were non-reportable. There were two hit-and-runs and a citation for a 30 to 40 year old for turning movements and required signals. There was one criminal investigation and arrest for a crime against society. This is a very low level of incidences.

### **Committee Reports**

Building – nothing to report

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Highway – nothing to report

Sewer – nothing to report

Sidewalk – nothing to report

S/T Partridge said he would print a copy of the Borough Directory for all the CM's and anyone else who wanted a printed copy.

### **Around the Table**

CM Martin said, because of potential mold issues, she had talked to Jan Noss about cleaning and straightening up the Lions Club area by the coat rack. Jan said he would talk to the members about doing that. Some discussion about what else can be done to declutter the building ensued. S/T Partridge said that the two brown storage cabinets will be moved into the office along with the two white filing cabinets. We might even be able to eventually get rid of the two grey storage shelves.

CM Baldauf reported that he believes his tires were punctured on his truck, possibly in retribution for confronting a group of kids who were hanging out on his next-door neighbor's property. Pres. Mundorf mentioned he has witnessed suspicious activity in the area that could be drug deals going down. Asst. Solicitor Craley recommended that such suspicious activity be reported to the State Police.

CM Martin reported that she had been told that the kid with the minibike sold it because he did not want to get into trouble.

Mayor Franklin described a conversation with a guy named Fritz who was complaining to him about the curbs and his neighbors. Apparently, Fritz has been making these complaints for some time to anyone who would listen.

CM Martin said she talked to Tyke about continuing to maintain the flower beds at the corner of Robin Hood and Main St. at his discretion and just sending us the bill.

Pres. Mundorf suggested we buy cardboard tubes to store the drawings in the drawing cabinet so we can sell the cabinet and gain some space in the utility room. S/T Partridge said he would check into the cost of drawing storage tubes.

CM Harvey mentioned a problem with receiving her council salary in one lump sum. S/T Partridge said it could be broken into smaller payments over several months to alleviate the problem. She just has to let him know how she would like it split up.

### **Adjournment**

The meeting was adjourned at approximately 9:45 pm. The next council meeting is scheduled for Tuesday, July 5th, 2022, at 7pm in the Borough Building.

Transcribed from audio recording and respectfully submitted by S/T Partridge.