

MINUTES OF THE NEW SALEM BOROUGH COUNCIL MEETING

October 1, 2024 at 80 N. Water Street, York New Salem, PA

The New Salem Borough Council met in regular session on Tuesday, October 1, 2024. The meeting was called to order at 7:00 PM by President Martin who led those in attendance with an Invocation and the Pledge of Allegiance to the flag.

COUNCIL MEMBERS PRESENT

Kim Martin, Pres
William Baldauf, VP
Peter Partridge, Pres Pro-tem
Sue Becker
Harvey Thumma Jr.
George Donavos (by phone and in person)
Bryan Pugh

BOROUGH OFFICIALS PRESENT

Edward Mundorf, Mayor
Jeff Koons, Z&CEO
D. Michael Craley, Sol.
Samantha Craley, Asst. Sol.
Judy Albright, Sec/Treas.

BOROUGH OFFICIALS ABSENT

Michael Hammers, BCO
David Lipinski, Eng

Note the following abbreviations

“CP” = Council President “CM” = Council Member “ST” = Secretary Treasurer
“Eng”= Engineer “Sol” = Solicitor “BCO” = Building Code Officer
“Z&CEO” = Zoning & Code Enforcement Officer

Mayor Mundorf stated he is recording the meeting.

CP Martin indicated we will change the agenda to permit Cpl Confer with PSP to speak on the activity in the borough. Since July there have been 57 calls for service including a fall call and subsequent death, activity at 51 N Main St hit a few times but nothing recently, and several traffic accidents. He further indicated they are trying to get the house condemned but without success. The house is still in foreclosure and in the name of Lopez but the Sheriff Sale has been pushed to December, 2024. Sol. Craley is concerned if the Borough takes any action it may jeopardize the foreclosure. BCO Hammers indicated to Sol. Craley that he might be able to board up the home but we would need to be sure all occupants are out of the home. Mayor Mundorf asked why a permit was issued for the house. Z&CEO Koons reported the electric service had been cut to the home and needed to be corrected. A permit was issued but never picked up or paid for but the work is complete. Sol. Craley asked that he be provided with the costs and a lien will be filed against the property for the unpaid fees.

Sol. Craley reported the New Ordinance regarding change of definition of dwelling to include that a 2nd kitchen could be added for use by a family member was properly advertised and open for comment. CP Martin asked for any comment and resident Jean Mitzel asked if her daughter moved in downstairs could she have a kitchen.. **On a motion by CM Partridge, seconded by CM Thumma and unanimously carried**, the Ordinance is approved.

2. Engineer's Report – CM Partridge indicated the engineer would not be at our meeting but did send his report. CM Partridge indicated the engineer reported that the ADA ramps have not yet been approved by PennDOT. The storm water drain work on Robin Hood started but they ran into a problem which requires a change order. **On a motion by CM Partridge, seconded by CM Thumma and unanimously carried** the change order in the amount of \$12,000 was approved. The work should start the next two weeks and be completed by 10/31/24.

The engineer was also contacted by the purchaser of the Wright property recently sold. They are proposing a development of 55 single family homes and may begin the process of plans as early as 2025. The original plans provided for 40 EDU's and CM Partridge indicated there would be at least 15 additional EDU's available if necessary.

3. Z&CEO Report – his report will be filed.

September permits – 4 issued, 1 on hold and 1 in progress

Freyman – 105 W. George St – property totally in the hands of the bank.

Lopez – 51 N Main St – on advice of PSP he and BCO Hammers attempted to gain access to the property but the tenants had documentation they were legally permitted to be there.

Evans – 4155 Robin Hood for weeds, now compliant

Franklin – W George St - property has been sold. The drain field between this house and Freyman needs attention. Previously violation notices would be sent to both properties and it would be taken care of but he does not know by whom. Sol. Craley indicated he should send the notice to the bank owning the Freyman property and also to the new owner of the Franklin property.

Bajwa – 39 N Main – a meeting is scheduled however Mr. Bajwa is questioning the Forry Ave portion at his property can it be shut down. . Sol. Craley researched and was unable to find when the borough adopted Forry Ave. CM Partridge indicated he has the list of when streets were added to the Liquid Fuels list.

Hewitt- 30 S Main – weed and nuisance violation – Z&CEO will contact Tyke Shubert to bring the property into compliance.

Conley – 108 N Main – compliance date 9/25/24 – no update

Inners – 263 N Main – junk in front yard – now compliant

Wright trust – tree foliage over sidewalk – now compliant

Myers – 4159 Robin Hood – brush pile in driveway – compliance date 10/7/24

Mayor Mundorf questioned if he had a chance to check out the property at 301 N Main St. where photos were provided by the neighbor Marlin Barshinger. Z&CEO indicated he never received any photos and

had not spoken to Mr. Barshinger for several months. Mayor Mundorf provided Z&CEO with a copy of the photos and Z&CEO will research the complaint.

4. BCO Report – absent Z&CEO spoke to BCO and he informed him that the trailer at 39 N. Main he may be able to force the owner to secure the property boarded up but it would need the International Property Maintenance Code to be adopted by the Borough. Sol. Craley indicated this Code was not previously adopted when the UCC Code was adopted. Sol. Craley will check with Red Lion Borough to see if they might have a copy. **On a motion by CM Thumma, seconded by CM Pugh, and unanimously carried,** the solicitor is authorized to acquire a copy of the International Property Maintenance Code.

5. Public Comment –

Bob Boulden, 4125 Robin Hood Dr. spoke that he located the Mayor's manual on line concerning the responsibilities of the Mayor. CP Martin thanked him for the information.

Mike Messinger, 4129 Robin Hood Dr. commented on the equipment sitting along Robin Hood Dr by Kinsley who will be doing the repairs. It makes traffic difficult and there are many people speeding through the area and he will welcome police services.

Jean Mitzel, 14 S. Main St asked if anything could be done regarding her neighbor who is feeding the groundhogs in the area. CP Martin indicated there is nothing the Council could do but referred her to the State Game Commission.

Stephanie Mundorf, 4070 Sherwood Dr. read a prepared list of complaints and concerns. She read her prepared statement and concluded with her thoughts on CP Martin preparing the August 22nd agenda and discussing it with the Police Committee outside of an advertised meeting. Sol. Craley was asked if this was a violation and his response is that anytime a quorum is present for Council or a Committee it should be advertised. Sol. Craley further indicated he did not think this was an intentional violation. CP Martin indicated she did not realize that preparing the agenda was a violation when she was only asking those that were speaking if they were OK with their topic. CP Martin further stated she was trying to do that meeting professionally and organize who would speak and on what topic. She accepted responsibility stating that she did her best.

CM Thumma addressed CP Martin saying he wants to speak. He read a prepared statement that he would like to censure CP Martin. Mr. Vice President I present a Resolution to censure CP Martin as she admitted in a meeting on September 24, 2024, that she chaired a committee meeting over zoom with Chief Lash who is not a member of this board and his assistant and other members of council to discuss, deliberate and devise a strategy to present a specific message at the continued recessed meeting on August 22nd. Since it was still a meeting, myself and the mayor had rights to know what was going on. You violated the Sunshine Act and denying Mayor Mundorf to speak about information directly related to the police contract at the August 22nd meeting telling him that we are not talking about that at this meeting referring to the actual police contract and not providing the contract to all council members before it was brought to this meeting. We did not get a chance to review it. The President asked for a motion to accept the contract as it is written so we can move forward with a vote. Whereas President, CP Martin has denied the opposition the right to make motions for debate and recognize only certain ones and whereas such conduct is in violation of the Sunshine Law and is detrimental to the

organization, therefore be it resolved that President Martin be censured. VP Baldalf called for a second. Hearing none the motion dies for a lack of a second.

CP Martin indicated because the August 22nd agenda was set, CM Baldauf indicated he stood at the front of the room and informed those that wanted to talk that they had 2 minutes each for comment, not open discussion and Public Comment started. At the end he asked if there were any other comments. He had held off CM Partridge and permitted him to speak but did not hear any other council member indicate they wanted to speak. Mayor Mundorf indicated he did not hear this and was not given the opportunity to speak. CP Martin reiterated everyone had 2 minutes to speak and CM Baldalf asked on several occasions if anyone wanted to speak and no one indicated they did. Mayor Mundorf indicated he thought CM Baldauf was speaking only to the audience. He thought it was still a council meeting. CP Martin indicated that when Mayor Mundorf began to speak she even made an effort to quiet the crowd so they could hear..

Mrs. Mundorf again indicated she would like the August 22nd minutes corrected that she did not make a statement about a fire truck accident and paying for a rescue truck Mrs. Mundorf again asked that those minutes be amended. CP Martin and CM Becker indicated she did make this comment. Mrs. Mundorf indicated that her comments regarding the fire truck were all about numbers with regard to the budget. CP Martin corrected Mrs. Mundorf's statement regarding payments to West Manchester Twp police and that CP Martin indicated she does have authority to prepare agendas. .

Sol. Craley indicated her comments would be noted in today's minutes but no further corrections would be made to The August 22nd minutes. Mrs. Mundorf requested a motion be made to indicate that. Sol. Craley advised it is up to Council if they want to make a motion or not. No motion was made.

Erik Myers – 4159 Robin Hood Dr – Indicated he was recording the meeting. He questioned the August 22nd meeting where he suggested that York Regional Police and West Manchester Twp Police be contacted for quotes for police service as three bids are required.. He did not like the manner his question was handled. CP Martin informed him his comment was handled with respect. Both agencies were contacted for pricing and West Manchester Twp would not quote and the quote from York County Regional Police was originally higher than the one received from Northern York County Regional Police. When the contract was received it was lower but they had a clause in it that they could increase the fee during the year. Sol. Craley added that police is a professional service and as such does not need bidding.

6. Clarification of Mayor's Responsibilities – Some items were mentioned at previous meetings and CP Martin asked for clarification from the Solicitor. Sol. Craley advised the Mayor does have a right to reorganize Council and vote on ties. Sol. Craley further indicated the Mayor responsibilities are in the Borough Code Chapter 10A which states in 10A06 and the duties are in 10A07 *“ the mayor shall have the following duties:*

- 1. to preserve order in the borough, to enforce the ordinances and regulations, to remove nuisances, to exact a faithful performance of the duties of the officers appointed and to perform any other duties as shall be vested in the mayor's office by law or ordinance.*
- 2. Except as provided in section 1006 (4) (relating to duties of council), to sign papers, contracts, obligations and documents as may be required by law.*

3. *To collect any costs and fees received and to pay the money into the treasury, except as provided in section 10A05 (b) (relating to salaried mayor not to receive certain fees), to report to the council from time to time on the state of the borough and to make recommendations to the council on matters of borough concern. The borough shall furnish the mayor with the necessary dockets, books, forms and files as are necessary for the conduct of the mayor's office and which shall be and remain the property of the borough and be surrendered to the mayor's successor in office."*

With regard to police, when the code was rewritten there is nothing to state anything about being over police. Prior Code did indicate the Mayor was over the Borough's own police department but nothing is indicated about contracted services. Sol. Craley indicated it is Council's decision who they want to be the liaison with contracted police services.

Mayor Mundorf questioned the enforcement of ordinances and Sol. Craley indicated this is language that has been in for years and he is not sure exactly what is said because he has never seen it done before. He did state that PSAB would be a good resource to check.

A heated discussion ensued between CP Martin and Mayor Mundorf which resulted in a resident, Jean Mitzel, speaking from those in attendance indicating they are acting like children and she is embarrassed. CP Martin told her she needs to be recognized before speaking and if not, she will be asked to leave the room.

CP Martin continued speaking to the Mayor regarding the committees. Sol. Craley indicated the council president may appoint other members to committees at her discretion and she also has the authority to put others on committees if she so desires. He further stated that no matter what committee, the Sunshine Act must be followed. Mayor Mundorf further questioned Executive Sessions and if he attends. Sol. Craley advised he is taking the position that the mayor is not a part of Council and he is not part of Executive Sessions unless invited. Sol. Craley further stated that if you call the PA Mayors Association they would disagree with him. He bases his decision that there is no case law from an appellant or local court. He further commented that the Mayor's duties are Executive with veto or approving ordinances or casting a tie vote and not Legislative. He also feels that if the Executive Session is to discuss an ordinance, then the Mayor should be invited to participate. CM Partridge asked if a committee of council could hold an executive session. Sol. Craley advised yes as long as it is an appropriate subject for Executive Session and follows all the rules for Executive Session and the specific purpose.

Mayor Mundorf asked if the Committee Meetings need to be advertised. Sol. Craley advised it is considered an agency meeting and be advertised and open to the public for public comment.

7. Matters of the Borough

a. Fire – Status of Contract with North Codorus Twp Fire Co. –Sol. Craley reiterated the reason this subject started was regarding the Fire Relief Funds being paid to station 8 and the lack of response to the house fire on S. Main St. He has reviewed the inter-municipal agreement presented by North Codorus Twp and feels it needs several changes. We are no longer in a rush as the time period for those relief funds to be distributed is past and will require further discussion.

Email received from Chief Tim Carr of NCTFC regarding their upcoming Open House on October 12.

Sol. Craley asked that Council keep an oversight on the New Salem Fire Company and nothing prevents Council from making a donation to North Codorus Twp. Fire Co.

b. Sewer – Last month it was suggested that those delinquent accounts would need to pay balance in full by 12/31/24 and if not their property would be liened. CM Partridge asked if they would be notified and ST Albright reported those with delinquent balances would receive a letter.

c. Highway – update on Robin Hood Dr. reported earlier

d. Building – Updated quote received from Mike Black Painting for \$2500. **On a motion by CM Becker, seconded by CM Thumma and unanimously carried**, the painter is authorized to move forward with painting the interior of the building. All walls will need to be bare.

e. Police – last month the Mayor had concerns about the contract with Northern York County Regional Police to which CP Martin had Sol. Craley look into them. One being where the wording is “elected official” be changed to “Mayor”. Sol. Craley earlier tonight explained why this should not be changed. Another is the cost could escalate or there could be additional charges. Sol. Craley researched the definition of “PPU” or change of value. He believes this is to protect everyone if there are increased in costs, gasoline, police contract negotiations, etc. and would be voted on by the Commission of the police department. Chief Lash further explained there is no midyear increase and this would not be changed unless something extraordinary happens. Sol. Craley is concerned with the 15 hrs per week and is there an investigation of how this time is spent and how is it measured so that Council is aware of how the hours are spent. CM Partridge indicated there is a clause in the contract that refers to the Borough receiving monthly reports. Chief Lash indicated the track daily time in 15 minute increments and track hourly, daily, weekly, monthly and yearly basis. Mayor Mundorf asked if this could be added to the contract and Chief Lash promised this is the way it will be done.

Another concern of the Mayor is what ordinances does he enforce and which ones will the police enforce. Sol. Craley indicated the Borough will need to pass a Resolution for Northern York County Regional Police to enforce our Borough ordinances. He further indicated the Zoning Officer enforces land use and subdivision ordinances. This results in civil penalties. Police enforce Criminal Ordinances that result in criminal penalties and possible prison. Sol. Craley further indicated you would need to decide if you want the police to use some of the weekly time on filing these penalties and is entirely up to Council. CM Partridge questioned if the Z&CEO is concerned about entering a specific property, could he request a police escort. Chief Lash indicated he would. Chief further indicated they don't typically enforce weed ordinances, snow and such but if it becomes a problem where the resident just refuses to bring the property into compliance, there is a section in the Crimes Code where they can file charges.

Sol. Craley asked how the police department handles fireworks. Chief Lash indicated they follow the State law.

Mayor Mundorf questioned how he would physically handle an ordinance violation. Sol. Craley suggested he contact Pennsylvania State Association of Boroughs to see what they might have available for assistance to him.

The other subject that the Mayor questioned was if for some reason you use up all your weekly time on Monday does that mean there is no coverage the remainder of the week. Chief Lash advised they smooth out the hours and try to bank some hours throughout the year for this type of incident. Times are adjusted on a weekly basis if necessary

CM Thumma left the meeting at 8:50 PM.

CP Martin asked Mayor Mundorf if there was anything else he was concerned about. He indicated he questioned if we want to change anything later in the contract would we need to rewrite the contract but Sol. Craley informed him that anything else could be done by amendments. Chief Lash agreed. Sol. Craley indicated that after his review of the contract he is good with the legal concept of the 2 year contract.

CP Martin asked if Council had any questions with the contract. CM Pugh asked CM Partridge if he feels the amount is doable in the 2025 budget. CM Partridge advised yes from what he put together when working on the budget, we won't have to raise taxes to do so and condition on the contract not being signed till after the budget meeting. CM Partridge further indicated we may want to raise taxes for other reasons but we don't have to do so for police. Mayor Mundorf questioned who the private citizen is that indicated they would make a \$10,000 donation toward first year of the police contract. CP Martin was not sure she could divulge that information. CM Partridge indicated it was the Sherwood Forest II HOA. The donation could be used toward police or it may be reserved for later use. **On a motion by CM Baldauf, seconded by CM Donavos and unanimously carried**, the Borough will move forward with a finalization of two Resolutions (one is Intermunicipal Agreement and the other is the resolution authorizing the Police Department permission to enforce the Borough ordinances) and the contract with Northern York County Regional Police for final adoption at November 12th meeting. Mayor Mundorf questioned if CM Thumma could vote for or against this motion at next month's meeting since he left the meeting early. Sol. Craley advised no, the vote was taken and passed.

f. Sidewalks – nothing

g. Personnel – An Executive Session of the Personnel Committee is scheduled for October 3, 2024 at 6:00 P.M. for evaluation of employees performance.. Sol. Craley advised this is a permitted use under the Sunshine Act and does not need to be advertised.

8. Approve September 3rd Council Meeting Minutes & September 24th Council Meeting **on a motion by CM Partridge, seconded by CM Donavos and unanimously carried**, both meeting minutes are approved.

9. Solicitor's Report – he has filed the lien against 49 N. Water St. He also advised that beginning January 1, 2025, his hourly rate will be \$145.00

10. Unfinished Business -

a, New Ordinance for adoption – handled earlier in meeting

b. Update on Newsletter – when checking with Spring Grove Borough after last month’s meeting we were advised they would not be able to pick up leaves in the borough due to employee issues. CP Martin contacted New Freedom Borough who quoted \$275 pr hour. Last year Spring Grove borough charged \$55.10 pr hr. ST Albright contacted North Codorus Twp for a quote. While they could not do it this year, they require a resident to pay a \$75 fee for 2 pickups and must prepay with the township. This will be taken under consideration for 2025. CP Martin checked with Penn Waste who quoted \$1450 for unlimited additional bags of leaves for the month of November, however each resident would need to call in prior to pickup. ST Albright is to call for additional resources for quotes.

11. New Business

a. Resolution for adopting Roberts Rules of Order – CM Partridge prepared a Resolution and had Sol. Craley review it with his blessing. **On a motion by CM Donavos, seconded by CM Becker and unanimously carried** Resolution 4-2024, was approved. It concerns with the Rules of Order to be used by the Council or any of its committees in public meetings. Mayor Mundorf voiced his concerns that discretion is given to one person.

b. Introduction to the 2025 Budget Process – CM Partridge provided his packet of information on the 2025 budget process along with his first draft of a budget for the upcoming meeting.

c. Approval to Pursue State Grant for Sidewalks and Curbs – **On a motion by CM Pugh, seconded by CM Donavos and unanimously carried**, CM Partridge is authorized to prepare a grant for the repair/replacement of sidewalks and curbs along with the \$100 grant application fee.

d. Request for Professional Website Design and Conversion – ST Albright spoke with DDog Communications, Joppa Rd., York regarding redesign of our website and assist with the conversion. **On a motion by CM Partridge, seconded by CM Donavos and unanimously carried** ST Albright is to get an estimate from DDog Communications for this work. CM Donavos is having problems with his borough email. CP Martin will research.

12. Treasurer’s Report – ST Albright indicated correction was made to the check detail sent in the packet and the new detail is now being presented. **On a motion by CM Partridge, seconded by CM Becker and unanimously carried**, the report is approved

13. Secretary’s Report – The tax collector has provided her with a reimbursement for attendance at mandatory training September 22, 2024. **On a motion by CM Partridge, seconded by CM Pugh and unanimously carried, the bill is to be reimbursed and additional invoices of this nature can be paid as usually and customary.**

14. Mayor’s Report – Mayor indicated he had something prepared but will shorten it. It was directed to Madam President. He would remind the Council President that the secrecy of meetings violates the Sunshine Act and she should make everything transparent.

15. AROUND THE TABLE – CM Partridge, CM Becker, CM Baldauf nothing
CM Donavos – he felt this meeting was very productive and hopes as a group we can strive for success and referring back to Pres. Lincoln’s statement – “A house divided cannot stand.”

CP Martin spoke indicating she is not perfect and did not realize there were any problems with the Sunshine Law regarding the August 22nd meeting. The conversation with the committee members was only to point out who would speak on which topics and the order of speakers. CM Partridge questioned if this would have been handled by email would it have been a violation. Sol. Craley indicated email is still under discussion. She did not distribute the police contract to the entire council because it was not agreed upon by the attorneys. It was not something to be voted on and she feels she did not withhold anything.

CM Pugh stated we cannot change the past but strive to be better and all get along because this is a public forum and the public is here.

CP Martin asked Mayor Mundorf to formally forgive her for the things she has erred on as her heart is in the right place, she did not intend to withhold anything.

Mayor Mundorf said, "OK you are forgiven, if we can move forward then we can do better, both of us."

With no further business, at 9:55 P.M. the meeting was adjourned. Respectfully submitted by Judy Albright, Secretary-Treasurer