

2019-10
STRASBURG BOROUGH COUNCIL
APRIL 9, 2019
MINUTES

Members Present: Mike Chiodo Ray Garraffa
 Jim Rice Will Hutchinson
 Bob Bennethum H. Dale Spaulding
 David Dunn

Others Present:
 Bruce Ryder, Mayor David Esh
 Lisa M. Boyd, Borough Manager James Johnson
 Joyce Gerhart, RGS Associates John Dobish
 Andrew Kehl, RKL Peter Mecouch
 Lynn Commero, LNP Richard Elliott
 Bill Briegel, Keystone Custom Homes

CALL TO ORDER AND PLEDGE TO THE FLAG: Council President Mike Chiodo called the meeting to order at 7:30 p.m., followed by the salute to the flag. President Chiodo announced that the meeting is being audiotaped and maintained until the minutes are approved. The Borough Manager took the roll call.

REQUESTS TO BE HEARD:

PRESENTATION OF 2018 BOROUGH AUDIT – ANDREW KEHL, RKL:

Andrew Kehl, representing the Borough's Auditor, RKL, was in attendance and reviewed the 2018 Borough Audit and Report to Borough Council. Mr. Kehl stated that Lisa and her team were well prepared and that there were no audit adjustments. Their opinion of the financial statements is unqualified, which he stated is the highest level of assurance they are able to provide.

Mr. Kehl stated that all of the Borough's cash is FDIC insured. He reported that Borough pension funds are in a good position because they are 88% (Police) and 90.5% (Non-Uniformed) funded, and that a lot of municipalities are under 60% funded but reminded the members that the liability is determined by the net investment income. Mr. Kehl also reviewed the Postemployment Benefit Liability that is now included in the audit and stated that this is approximately 83% funded and suggested that Council may wish to look at the contributions into that account to bring it closer to 90%.

REQUEST CONSIDERATION OF PET CURBING ORDINANCE – DAVE ESH:

Dave Esh was in attendance and stated that he is a 17-year resident of the Borough and a volunteer at the Strasburg Playground. He is concerned with the growing problem of pet owners who do not clean up after their pets and asked that a Pet Curbing Ordinance be seriously considered, adopted and enforced. He provided documentation from the Environmental Protection Agency showing that they deem pet waste as a toxin and have it in the same category as oil and chemicals. He also stated that the Center for Disease Control and Prevention states that pet droppings can contribute to diseases animals pass to humans called zoonoses. He stated that he sees pet droppings on sidewalks when he walks through town and does not think that is the kind of image we want to have for our town. He also stated that he has to clean up a lot of

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pet waste on the ball fields at the playground as he is getting them ready to be used. He stated that the problem is getting worse and is not going to go away without an Ordinance. He did provide sample ordinances from other municipalities for Council's consideration and added that he liked New Holland Borough's ordinance. Mr. Esh stated that he personally witnessed a dog owner allow their dog to defecate at the park and when Mr. Esh nicely asked him about cleaning it up, the dog owner stated that he was not going to clean it up because he knew that the town does not have a pet curbing ordinance and he was not required to clean it up.

Mike Chiodo stated that he was in favor of an ordinance but was concerned with enforcement.

Bob Bennethum stated that he brought this issue up at previous meetings and is also concerned about the large amount of pet waste around town and is hoping there is a way that such an ordinance can be enacted and enforced.

Chief Echternach stated that enforcement would need to be similar to the dog barking ordinance which requires citizens to file a complaint and to testify that they saw the violation.

Chief Echternach offered to review other municipalities' Pet Curbing ordinances.

Mr. Esh stated he believes more pet owners would clean up their pet waste if a Police Officer would advise violators that they need to clean up the pet waste. He added that the park has had "Please curb your dogs" signs up along the sidewalk for many years and that the park is private property. Mr. Esh asked if the Park could do anything to violators because it is private property. Chief Echternach stated that he believed if someone was not following the stated rules of the private property that it could potentially be viewed as defiant trespass. Bob Bennethum questioned whether, and Chief Echternach stated that, a Borough Pet Curbing Ordinance would be enforceable on private property.

Chief Echternach and Mayor Ryder stated that the Borough's involvement in the default ownership of the Tinney Pavilion and Community Park would need to be researched to determine if the Borough may already have the authorization to regulate pet curbing on Borough property.

Mayor Ryder stated that a Pet Curbing Ordinance as discussed, if adopted, would be similar to most of the Borough's Ordinances because they also require a citizen to be the complainant.

Mr. Esh thanked the members for their time and President Chiodo stated that this is an item that needs serious consideration.

MANHOLE PATCH: John Dobish, who lives on Pleasant View Drive, was in attendance and stated that the patch around the manhole near his home is higher than the street surface and asked if the high spots would be milled down. The Borough Manager stated that she would forward this request to the Borough Authority.

MINUTES OF MARCH 12, 2019: A motion was made by Jim Rice and seconded by Bob Bennethum to approve the minutes of the March 12, 2019 meeting as printed. Motion carried with members Chiodo, Garraffa, Rice, Hutchinson, and Bennethum casting assenting votes.

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Members Spaulding and Dunn abstained from voting because they were not in attendance for the meeting.

REPORTS:

MAYOR – Mayor Ryder stated that the owner of 8-10 East Main Street has requested a hearing with the Vacant Property Reinvestment Board and that hearing will be held on April 18, 2019, and he will be attending on behalf of the Borough to see what happens.

PRESIDENT – President Chiodo had nothing additional to report.

MANAGER – The Borough Manager’s written report for March 2019 was received and accepted. The Borough Manager stated that the replacement banners are expected to be hung on April 11, 2019 and the line painting should begin soon. Bob Bennethum stated that the lines that were painted last year did not last very long and hoped that they will apply additional paint this year.

POLICE – The Police Department’s report for March 2019 was received and accepted.

PUBLIC WORKS – The Public Works report for March 2019 was received and accepted.

ZONING OFFICER – The Zoning Officer’s report for March 2019 was received and accepted.

TREASURER – A motion was made by Jim Rice, seconded by Dale Spaulding and passed unanimously to accept and file for audit the Treasurer’s Report for the period ending March 31, 2019.

CONSENT AGENDA: A motion was made by Dale Spaulding, seconded by Dave Dunn and passed unanimously to approve the following items on the Consent Agenda:

PAYMENT OF BILLS IN THE AMOUNT OF \$208,124.99

HISTORICAL ARCHITECTURAL REVIEW BOARD CERTIFICATES OF
APPROPRIATENESS – 43 EAST MAIN STREET AND 11 EAST MAIN
STREET

APPROVAL FOR STRASBURG FIRE POLICE TO ASSIST AT THE CLINIC FOR
SPECIAL CHILDREN ANNUAL CSC 5K RUN/WALK

APPROVAL OF STRASBURG FIRE POLICE TO ASSIST AT THE KAT’S 5K
RUN/WALK

APPOINTMENT OF DAVE ESH AS ALTERNATE ZONING HEARING BOARD
MEMBER

DISPOSITION OF RECORDS AND RETENTION OF RECORDINGS OF PUBLIC
MEETINGS – RESOLUTION 2019-1

UNFINISHED BUSINESS: None.

NEW BUSINESS:

DECKMAN PROPERTY PRE-APPLICATION/SKETCH PLAN REVIEW: Joyce Gerhart of RGS Associates and Bill Briegel from Keystone Custom Homes were in attendance for a pre-application/sketch plan review of the Deckman Property plan for four single-family lots, two off of Sunset Avenue and two off of Candle Lane with no new streets.

She stated this is a 3.16 acre tract that in a previous submission was planning for six lots and a connection of Sunset Avenue to Candle Lane. They decided to eliminate the connection of Sunset Avenue due to the wetlands and to reduce the necessary stormwater facilities due to the additional impervious roadway surface.

Ms. Gerhart stated that they are asking for feedback from the Borough regarding the plan and stated that they will need three waivers: Cul-de-sac on Sunset Avenue, flag lots, and not connecting Sunset Avenue to Candle Lane.

Dave Dunn stated that he would want the stormwater runoff issues closely reviewed. Ms. Gerhart stated that they did have the wetlands and floodplain elevations re-reviewed and they believe they can handle the stormwater for each of the houses individually on each lot. She added that the plan is conceptual at this time and lot lines may need to be minimally adjusted if appropriate percolation rates are not achieved.

Bob Bennethum stated that he is familiar with the difficulty in working with the developer and concerned with them satisfactorily completing their obligations.

Peter Mecouch and Rich Elliot, representing Trails at Strasburg's HOA, were in attendance and stated that they are not in opposition to the homes being built as long as the Borough is satisfied that all of the EPA and wetland obligations are met. He reminded the members that there are two active waterways that run 365 days per year and stated that when the development was originally proposed, Kendig Run did not exist but it is now a fully running stream. Mr. Mecouch stated that the HOA is concerned because Keystone is proposing to have the frontage of Lots 3 and 4 on a portion of land that they were required to maintain (snow removal and lawn mowing). Mr. Mecouch stated that the Borough recently provided him with a copy of an Association Maintenance Obligation – Grass and Sidewalk areas along Candle Lane dated September 22, 2015 that was signed by the previous HOA President which stated that they were only required to maintain the areas designated as common sidewalk including the grass strips between Lot 26 and Candle Lane for the West side of Candle Lane. He stated that they have been maintaining both sides of the property for eight years or more, at a total cost of approximately \$4,000 per year, and are questioning who will be responsible to maintain the area on the west side from Lot 4 out to Miller Street. He stated that for the west side, their HOA is not interested in maintaining a portion of Candle, skipping Lots 3 and 4 and then coming back in to maintain the remaining section out to Miller Street unless Lots 3 and 4 became a part of their HOA.

Mr. Mecouch stated that, speaking as an individual, he is concerned with the environmental impact on the wetlands and Kendig Run crossings for the development of Lots 3 and 4.

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Speaking as an individual, Rich Elliott stated that Keystone stated at the March 4, 2019 Planning Commission meeting that there was an existing pipe with two headwalls already crossing Kendig Run but he was unable to locate that when he inspected the area.

Mayor Ryder also stated that the Borough Solicitor raised issues regarding land ownership which need to be researched in order to provide a full response to the developer. The Borough Manager stated that the Borough may require the developer to do a title search of the west side of Candle Lane, including Lot 26, to confirm ownership, easements, maintenance requirements and related issues. She also added that the wetland area, flood plain area, official map, flag lots, and stormwater infiltration will all need to be addressed.

OTHER BUSINESS: Mayor Ryder stated that he read in the March 31, 2019 Lancaster Newspaper under Municipal Briefs that Paradise Township has resisted reimbursing Bart Township for their portion of the fire company's workers' compensation insurance. He reminded the members that Paradise Township has also resisted our reimbursement requests for three years in a row. Mayor Ryder stated that he is surprised that another municipality is not cooperating with neighboring municipalities regarding a state law that spells out how fire company workers' compensation costs are to be shared. He added that this is not fair to our citizens or their citizens because Paradise Township is not cooperating with state law. He did state that we have had good cooperation with Strasburg Township for this cost sharing.

President Chiodo stated that he discussed this matter with the Borough Manager and this will be looked into and he is proposing the next step is to have a meeting between him, the Borough Manager and the Strasburg Fire Chief. President Chiodo invited Mayor Ryder to attend the meeting.

CITIZENS' COMMENTS: None.

EXECUTIVE SESSION - PERSONNEL: At 8:19 p.m., Mike Chiodo adjourned the regular meeting into an Executive Session to discuss personnel.

The regular meeting was reconvened at 8:42 p.m. at which time no official action was taken.

ADJOURNMENT: A motion was made by Dale Spaulding, seconded by Dave Dunn and passed unanimously to adjourn the meeting at 8:43 p.m.

Respectfully submitted,

Lisa M. Boyd
Borough Manager