

YOE BOROUGH
150 NORTH MAPLE STREET
YOE, PA 17313

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The regular monthly meeting of Yoe Borough Council was held on October 2, 2018 at the Yoe Borough Municipal Building, 150 N. Maple Street, Yoe, PA 17313. The meeting was called to order by Council President Samuel Snyder at 7:00 PM followed by the Pledge of Allegiance.

Council members in attendance:

Samuel Snyder

Ryan Harper

William Bankoske

George Howett

Seth Noll

Dustin Claycomb

Others in attendance

Seth Springer, Solicitor

Diana Dvorak, Secretary-Treasurer

Steve Malesker, Engineer

Dana Shearer, Maintenance Supervisor

John Sanford, Mayor

Deborah Shaffer, Resident

Michael, Resident

Minutes

Councilman Snyder asked if everyone had a chance to review the minutes from the prior meeting. Councilman Noll made the motion to accept the minutes, seconded by Councilman Bankoske. All in favor, motion carried.

Visitors

Deborah Shaffer is first on the agenda. Deborah provided her address and thanked Council for listening to her concerns. Mrs. Shaffer is concerned about 22 E Pennsylvania Ave. The home is owned by Leroy Keener. There are 10 people and several animals, living in a two bedroom, one bathroom home. Mrs. Shaffer feels that the residents are disruptive and disrespectful. The dogs

Visitors Continued

bark constantly and get loose. The Police have been called on several occasions. Utilities have been turned off in the past. Mrs. Shaffer recently noticed a strong outhouse smell coming from the property. Mrs. Shaffer is concerned about health issues. There had been a rat problem in the past, she is not sure if it is still an issue or not. Coarse language is routinely used by everyone at the residence. There is a lot of violence, they beat the dogs, they shoot each other with pellet guns, they call Mrs. Shaffer a bitch on a regular basis. She feels like they stare her down trying to intimidate her. The electricity was recently turned off. When the representative from the electric company was leaving they were shouting we will get it paid tomorrow, we will get it paid tomorrow. One of the men got a chainsaw out and cut the telephone down. He then chased one of the children with the chainsaw. The police were called by Mr. Shaffer at that time. Mrs. Shaffer called the State Animal Enforcement Officer, who was out last week to investigate. State law says you can have four adult dogs, and one litter of puppies until they are six months old. Mrs. Shaffer is hoping that the Borough has ordinances in place to deal with the situation. Mrs. Shaffer feels that Mr. Keener has turned the home into a boarding house. The residents also receive company. One woman dropped her pants in the front yard and just sat down. The Police were called, spoke with the lady, and told her she could be cited and was just given a flippant response by the individual. Mayor Sanford said it is possible the individual received a citation by mail. Mrs. Shaffer asked if Mayor Sanford could follow up to see if a citation was sent. Mrs. Shaffer feels the incident took place in July.

Councilman Claycomb had previously forwarded an email from Mrs. Shaffer to Council. Councilman Snyder had an opportunity to look over the email, and research the issues prior to the meeting. When it comes to issues such as fighting and yelling, Mrs. Shaffer has taken the correct action by calling the Police. There are some issues that the Borough can take care of, such as Mr. Keener using the home as a boarding house. We can see if Mr. Keener has applied for a rental license. If so, the home would need to be inspected. As far as the utilities go, the Borough does require that each residence has utilities that are working, or else the home can be labeled uninhabitable. The water bills for 22 E Pennsylvania AVE does currently have running water. If the water is turned off because the bill has not been paid by the shut off notice date, then the Borough can then have the home deemed uninhabitable. If the electric meter has been removed, then let the Borough know and action can be taken. The Borough also has an ordinance in place for the dogs. Each residence can only have four dogs and/or cats, a total of four. Councilman Snyder asked that Mrs. Shaffer get pictures of the six dogs being out, and then we can have the Zoning Officer issue a citation.

Three year, without recycling is \$223,700. Republic Services was next; a three-year contract with recycling would be \$381,459.52. Three year, without recycling is \$216,014.72.

Several council members inquired if toters were required. Mr. Warntz from Republic stated, that the bid is without toters. Mayor Sanford asked for the collection date. Mr. Warntz and Mr. Ward both stated it is the same, Monday.

Council has been discussing through the year the benefits of both recycling and not recycling. Councilman Noll said we are fortunate that we are not mandated to recycle. As expected there is a significant cost difference for recycling this time. Mr. Councilman Noll's opinion is he is in favor of dropping recycling. Councilman Harper concurs. Councilman Snyder asked if he had a motion to drop recycling for this three-year contract.

Mr. Ward, from Penn Waste, wanted to address Council regarding recycling before a motion was would be made. Mr. Ward wanted it noted that recycling is not the sole reason we are seeing price increases. Labor is a definitive factor that we face on a daily basis, insurance in general, recycling is obviously a part of it, but it is not all of it. Mr. Ward did a quick calculation. When you look at the two options that you have in front of you tonight, it comes to about a \$59,000 difference over three years. If you add back the tons of recycling that you currently generate you wind up with a difference of about 30, I'm going to say \$29 - \$30,000 difference, over a three-year period. If you take that number and divide it by the number of homes in the Borough that participate, 670 in the good, it comes to about a buck twenty a month. It is substantial, but a \$1.20 a month is really what you're dealing with to make a decision to eliminate recycling. You'd be the, you'd be probably the only one in York County that does not have recycling. That is no reason to do it, I get that. But there are, for everything that you are hearing regarding recycling, we operate a recycling facility. We are still in operation. We are still recycling materials on a daily, weekly basis. So, I just ask that you consider that \$1.20 a month. That is what the difference is when you are giving up recycling for the entire Borough. I appreciate you letting me talk to you tonight, I appreciate your time. If you have any questions I would be happy to answer them.

Solicitor Springer was wondering why the significant increase for Republic from recycling to non-recycling. Mr. Warntz from Republic Services explained, the increase is due to having to take the recyclable material to another facility, as well as the additional truck and more people. Solicitor Springer wanted it noted, that if we do away with recycling for this contract period, that does not mean we do away with recycling forever. We do have options, as has been discussed in prior meetings. If we pass a resolution to do away with recycling now, we can pass a resolution in the future to bring it back. Councilman Noll made the motion to do away with recycling for this three-year contract, and for the Solicitor to draft the necessary resolution. Councilman Myers asked if eliminating recycling is the right thing to do. Councilman Myers Seconded the motion.

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Visitor's Continued

Councilman Snyder recapped previous discussions regarding recycling/not recycling for Councilman Myers. Half of the residences in the Borough are rental units, and majority of those do not have the availability to recycle. Our recycling is now limited to the other half of the

people. When you look at the tonnage of recycling, it is roughly between 60 to 79 tons a year. We still have to pay to get rid of this. On top of this, because we are not mandated to recycle, our garbage goes to the York County Incinerator, which the garbage is turned into renewable energy. So technically it is not recycling in the sense that it is going to a recycling center, however all of our garbage is being recycled and turned into renewable energy. Councilman Noll noted that the metals are still being separated. This is why we had the bid specs done this way, to see if eliminating recycling made a substantial enough difference.

Councilman Noll wanted to know what the total of our last garbage contract was. Ed Ward from Penn Waste had the information available. The previous contract was \$218,809, which included recycling. Solicitor Springer noted that residents could voluntarily recycle if so inclined. Residents would have to take the recyclable materials to the recycling center themselves. Councilman Bankoske listed the items that are being accepted at the center. Mr. Ward said that Penn Waste is actually accepting more for home use, than what is being accepted for drop off. Councilman Snyder said if we accept the low bid with recycling it will cost us the \$275, which is \$19,670 more per year, then what we are paying now. Because if we accept that three-year contract from Republic the \$216, is almost identical to the \$218 we are currently paying, without having to raise taxes. Councilman Myers said he would rather the money go to the roads anyway. Councilman Snyder said we would have to either raise taxes, or the garbage rates to cover the cost increase anyway. Councilman Noll said if we compare the contracts, recycling/not recycling from this year to last, it is each year, \$18,741 additional each year to recycle. Council does realize that there will be some cost offset by the additional tonnage. Discussion continued. All in favor of the motion to eliminate recycling. Motion carried.

Councilman Bankoske made the motion to accept the low bid for a three-year term, without recycling, from Republic Services beginning January 1, 2019. Seconded by Councilman Harper. Councilman Noll wanted clarification from Republic Services, that we are not mandated to use certain containers, unlimited pick up. Mr. Warntz said the bid was based on the bid specs that the Borough provided. Mayor Sanford suggested that we have the Solicitor take both bid packets to review. The Borough can contingently approve the Republic Services bid tonight. Discussion continued. Both Councilman Bankoske, and Councilman Harper were amenable to amending the motion, to include review of the bid packets by the Solicitor. Councilman Noll asked if Republic Services had local employees that could be dispatched fairly quickly should there be a problem. Mr. Warntz confirmed. Mayor Sanford wanted to compliment Penn Waste, that they were any issues, they were very quick to respond. All in favor, motion carried.

Both parties will be notified in writing of the final decision, prior to the November meeting.

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Visitors Continued

Chris Car, and Tom Estemyer were in attendance to discuss a property they will be purchasing off of Wilson CT. They checked with the zoning company regarding what they can and cannot

do. They understand the property is in a residential area, but the property is zoned commercial. They are grandfathered in as long as they do not change the use, which they do not plan on doing. If anything would be changed they would come to the Council beforehand. The property is currently being used for a construction services company. Mr. Carr and Mr. Estemyer plan on leaving the use close to what it is, a low impact use. Discussion continued. Council encouraged open dialogue for any potential uses of the property.

Executive Session

Councilman Howett made a motion to go into executive session at 7:36PM. Seconded by Councilman Bankoske. The regular meeting was reconvened at 8:21PM. Legal issues were discussed. Councilman Noll made a motion to send Councilman Snyder and the Solicitor to have a discussion with the Dallastown-Yoe Water Authority to understand the relationship we have between the two parties. Specifically looking at the fire hydrants, but also looking at the agreements we have in place. Seconded by Councilman Harper. All in favor, motion carried.

Solicitor's report

Report provided. Solicitor Springer will be attending a zoning seminar.

Engineer's Report

Report provided. We did get the easement from Swan/Sheffer, but have not yet received the agreement on the Floyd property. The MS4 report was returned. York County Planning Commission sent a data sharing agreement. The agreement essentially is using CS Datum to show county wide stormwater assets. Councilman Howett made a motion for Councilman Snyder to sign the data sharing agreement. Seconded by Councilman Myers. County Planning wants to do a signal study for the Borough, at no cost for the Borough. If there are any findings the Borough would be responsible for the implementation. Discussion continued. Councilman Harper made the motion to sign the MOU, seconded by Councilman Bankoske.

MS4 audit was completed last week. The biggest finding was the Borough needs to have an actual written employee training plan. It could be something such as a meeting with C.S. Davidson. It needs to be in writing, and then followed through. Discussion continued. Diana and Mr. Malesker were discussing possibly setting at the Sportsman's Raffle. Having the Scouts paint inlets also counts as outreach. We need to get better about having things in writing.

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Engineer's Report Continued

There is a sink hole at the end of Water ST. Mr. Shearer got a proposal for \$9,200 this includes removal of 100' of the old pipe, and reinstalling new pipe and backfill. This proposal does not include the cost of materials. Discussion continued. Councilman Noll said we are looking at

about \$8-\$9000 in material. Discussion continued. York Township came in and camera' d the line from the inlet at Poplar. They are planning on stopping the pipe just short of the creek and putting in rip raff. Mr. Shearer researched the deeds. On 159 it mentions a sanitary sewer line, not a stormwater line. Mr. Shearer checked the minutes from 1973 forward, which notes that there was no recorded deed for the stormwater. The line was put in in 1980, which was done by verbal agreement with Dennison. Can we use the sanitary sewer easement to repair the stormwater line?

Councilman Snyder checked the account balance for the stormwater account. There is enough to cover the labor and material. Councilman Noll made the motion to accept the proposal and to pay for materials for this project. Councilman Claycomb seconded the motion.

There was previous discussion of a pipe in the Denton Terrace neighborhood. Looking in the minute book, Mr. Shearer, found discussion of the pipe in the 1970's minutes. There was an issue with runoff at that intersection. Part of the solution was to have a stormwater line at Denton Dr. and have it connected to the Borough's stormwater system. The MS4 map will need to be updated to include this. Councilman Howett made a motion for the engineer to update the MS4 map to conform with the newly discovered information on the drain from Denton Terrace connecting. Councilman Noll seconded the motion. All in favor, motion carried.

Tom Warman did take a look at the Wetlands. The 2018 report was submitted. The site has only reached compliance in two areas. The Army Corps of Engineer's was consulted, and another year of monitoring was recommended. Mr. Warman agreed to do the inspection for 2019 as well. Discussion continued.

Maintenance Report

Councilman Harper made a motion to accept the proposal for \$1800 for the two sections of concrete sidewalk along Main Street. Seconded by Councilman Howett.

The cross-traffic sign is up. The stop signs on Elm St were removed. The flashing lights and the stop ahead sign will remain for another sixty days. Mr. Shearer and Mayor Sanford both received feedback regarding the removal of the sign. Mayor Sanford passed along a letter received by Mr. Poorman. Mr. Poorman reached out to Mayor Sanford about School bus sign on South Elm St. There currently are signs, but they do need to be updated. Dana reached out to the LTAP engineer concerning the bus stop signs. Mr. Shearer recommends that we change the signs to Watch Children signs. Councilman Noll made the motion to change the signs to Watch Children on S Elm ST. Seconded by Councilman Claycomb. All in favor, motion carried. The signs will be placed where the school bus signs are currently located.

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Maintenance Report Continued

Diana had received a complaint from a resident on E Fourth ST regarding traffic on the street, and they wanted to know if the Borough would be willing to purchase a Slow Children at Play

sign. Traffic is speeding up the road, thinking it is a short cut. When they get to the end, they realize there is no way out, and then speed back out. Mr. Shearer's recommendation is to put a No Outlet sign on the street instead. Councilman Noll made a motion for Dana to purchase a No Outlet, or No Through Street sign, whichever is most appropriate. Seconded by Councilman Banksoke. All in favor, motion carried.

Councilman Myers brought up a few issues, Street sign on Poplar and Broad is missing. Councilman Myers also wanted to know if Mr. Shearer is doing any patching on Poplar St.

Zoning Officer Report

Patti Myers is working on a few issues. Mayor Sanford has a few issues he will send along.

EMA Report

The 911 center is having an open house. Due to flooding it was a very busy month. There was some damage heading up towards the park. Discussion continued. Councilman Claycomb needs to complete the NIMS course.

Mayor's Report

Report provided. 6 Crime Prevention signs were ordered, locations to be determined. There will be upcoming meetings regarding the Fire Company merger. Mayor Sanford feels that Council should send someone to be a representative.

At the last Police Commission meeting there was talk about the contract increase. There are some issues between the participating municipalities regarding participation. The tentative increase for each municipality is 10%. Felton Township will be leaving York Area Regional as well. Discussion continued. Another meeting will be held on October 11th, they will have firm numbers at that point. Discussion continued.

There are still quite a few buses heading up Broad ST empty. There was discussion of moving the Truck signs on Main ST. The signs are placed as recommended by PENNDOT. The truck drivers turning onto Broad ST are saying that they can't see the sign until they have already turned onto Broad ST. Discussion of placement of signs.

Mayor Sanford is going to speak with the Police Chief regarding rolling stops on Elm St. There was a question of whether or not volunteer ART members would be covered should they go out

of state for an incident. The answer was that if assistance is officially requested the volunteers would be covered. Discussion continued. Mayor Sanford asked that we pass a resolution in line with neighboring municipalities, that this is the protocol we will follow.

Mayor Sanford would prefer that the Borough pass a resolution backing up the worker's comp. We need to pass a resolution stating that Yoe Borough supports NIMS.

Mayor Sanford received a call from York Regional EMS, requesting to be added to the Borough's Ford Fleet account. YREMS was added as an DBA to the Borough's account. Councilman Noll made a motion to add York Regional Emergency Services as a DBA on the Borough's account. Councilman Myers seconded the motion. All in favor, motion carried.

Secretary's Report

The budget paperwork has been prepared for the upcoming budget meeting.

Mrs. Dvorak asked council to consider replacing the tables and benches at the park. Diana was able to find tables and benches at Sam's Club for \$50 a table, and \$21 per bench. It would be under \$2000 to replace everything. Councilman Harper made the motion to replace the tables and benches. Seconded by Councilman Claycomb. All in favor, motion carried.

Mrs. Dvorak wants to start working on a newsletter to be sent out to Borough residents. She asked that Council consider preparing something to be added to the newsletter. Diana will ask the Sewer Authority for a list of addresses.

Unfinished Business

There is nothing at this time.

New Business

There is no new business at this time.

Payment of the Bills

Councilman Howett made a motion to pay the bills. Seconded by Councilman Noll. All in favor, motion carried.

Adjournment

Councilman Claycomb made a motion to adjourn the meeting at 9:50. Councilman Snyder seconded the motion. All in favor.