

The regular monthly meeting of Yoe Borough Council was held on December 9, 1997 at the Yoe Borough Municipal Building, 150 N. Maple St., Yoe. Council President Barry Myers called the meeting to order at 7PM.

Council members in attendance: Barry Myers  
Ron Crull  
Frank Sheffer  
Alta Smith  
Julia Snyder  
Sam Snyder  
Ron Diehl

Others in attendance: Tom Baublitz, Mayor  
Sandy Sterner, Secretary-Treasurer  
Dennis Sarpen, Engineer  
Pete Solymos, Solicitor  
Gavin Markey, Attorney  
Thomas Allar, Resident  
Connie Crull, Tax Collector  
Rodney Smith, EMC

#### Minutes

A motion was made by Mr. Sheffer to accept the meeting minutes of November 4 as presented. The motion was seconded by Mrs. Snyder. All in favor.

#### Visitors

Attorney Gavin Markey gave the council information on the Smith property and the Billet case. Attorney Markey said to continue discussing the information he distributed that an executive session should be called because pending/threatening litigation is to be discussed. Mr. Markey said in accordance with the Sunshine Law the council may meet in private to discuss litigation strategies. Anything discussed tonight would be part of the minutes and available to Attorney Dinkle. Attorney Markey said it is up to council. Council decided to get a general summary during the meeting. Mr. Markey said the first correspondence deals with Mildred Billet case. He outlined concerns and options on procedure. Mr. Markey said there is a six month time period from the time of the judge's order and he raises a concern there. Mr. Markey gave a breakdown on what could be done on a borough prospective. Mr. Markey gives information in regards to general law and gave three options for proceeding. Mr. Markey would work with the zoning officer on an enforcement notice. Mr. Markey then distributed information concerning the Smith case. Mr. Markey again listed guidelines. Mr. Smith has applied for a building permit and sent a \$100.00 check. Mr. Markey said the district justice may award a monetary fine but collection can sometimes be fruitless. Mr. Markey will review what Mr. Smith has sent to Mrs. Kile. Mr. Myers told Mr. Markey that Mr. Smith owns two properties which adjoin. Council is concerned that Mr. Smith is using the other property to get his setbacks. Mr. Markey said that if Mr. Smith has met

#### Visitors(cont.)

the requirments and paid his \$100.00 that further action may not be necessary. Mr. Markey will get an understanding with Mrs. Kile. Mr. Markey will send Mrs. Kile all the information he has to review. Mr. Snyder asked if an executive session should be called prior to next meeting. An Executive session is set for December 29, 1997 at 7PM to discuss pending/threatening litigation and the meeting will be advertised.

Mrs. Crull made council aware that the Rexroth property is still coming through on her records as Yoe Leaf and Tobacco. Mrs. Crull called the asssement office and was transferred to the map office. The map office said according to the new survey that it is on parcel and all the tax revenues will go to York Township. Mrs. Crull asked if this is allowed? Mr. Myers said to wait until the new solicitor arrives and will ask these questions again then.

Mr. Thomas Allar is representing the borough on the Mill Creek Flood Study with the York County Planning Commission. Mr. Allar said the \$180,000.00 needed to fund this study;\$90,000.00 is coming from federal funding and \$90,000.00 is being matched by local municipalities of which \$500.00 is coming from Yoe Borough. Mr. Allar said the more information he has available, better he can represent the borough. Mr. Allar would like two kinds of information. One is some summary data on the current flood relief project. Mr. Allar has talked to Mr. Sarpen and Mr. Sarpen's position is that more time has been spent than he has been compensated for and he isn't in the position to provide the data. Mr. Allar said other type of information on previous floods would also be helpful. Mr. Allar said he understood that Mr. Crull may have some photographs. Mr. Crull said he has pictures of when the water was lying in his meadow across from Strobeck's Sales. Mr. Allar appealed for any sources. Mr. Myers said he will check with the fire company. June of 1972 was the Agnes flood. And July 4, 1995 is when a downpour caused problems along Mill Creek.

Mr. Allar said that Mr. Myers had mentioned that there will be opening on borough council. Mr. Allar said he is interested and presented a resume to council. Mr. Myers said when council meets on January 6, 1998, council will reorganize then and they will look at the write ins. Mr. Myers said he believes that he was a write in but will not serve. The other person that was a write in, can serve on council. After thirty days, can appoint someone. Mayor Baublitz that the write in will receive a letter.

#### Engineer's Report

Mr. Sarpen had a payment request form for work done so far by A. Restuccia on the sidewalk project. The amount so far is \$58,321.49, out of this figure Holley and Associates retains 5% which is \$2916.07. Making the total due of \$55.405.42. Mr. Leiphart measured the quantities and Mr. Restuccia didn't question Mr. Leiphart's figures. Two applications are needed to be signed. Mr. Sarpen will then take them back because the



#### Engineer's Report(cont.)

county needs an original signed invoice. Mr. Sarpen will then send a copy to the borough. A motion was made by Mrs. Snyder to sign the request for payment of \$55,405.42 to A. Restuccia. The motion was seconded by Mr. Crull. All in favor.

Mr. Sarpen presented the plan for the sidewalk project for Main Street. After the project was bid, Mr. Sarpen was led to believe that 20% above the grant funding or \$20,000.00 would be an automatic if needed. The \$20,000.00 was not automatic, a letter was then sent by the borough listing why additional funds were needed. The final approval is up to county commissioners at tomorrow's night meeting. Since the last meeting, the borough received the PENN DOT permit without comments or corrections. Mr. Sarpen said along Main St. there are parts of sidewalk that aren't too bad so money can be saved by not doing those sidewalk areas. Mr. Leiphart talked to Mr. Glatfelter from PENN DOT about the new approach to Main St. Mr. Sarpen said piece mealing Main Street project which would include some just curb replacement only is recommended. Mr. Sarpen recommended to council that his recommendations be used then do the rest of Broad St. with as much work that can be done with/without the \$20,000.00. If The \$20,000.00 is received then on the other side of Broad Street, the project could go as far or a little further than Maple Street. Mr. Crull added that there is a pipe sticking up near where the new culvert boxes were installed on Broad St. Mr. Crull suggested putting in a squash pipe or the area may need to be dug into deeper. Mr. Sarpen recommended taking the \$6,000.00 that had been ear marked previously for the project and extend the drain with those funds. Mr. Crull said that Third Street might need those funds also. Mr. Crull added that the problem will need to be taken care of sooner or later.

Mr. Sarpen mentioned the trees at Mr. Snyder's property on Broad St. Mr. Crull said that Mr. Snyder decided that he would like two trees put in between the curb and the sidewalk. Mr. Restuccia said that what he was involved with in trees averaged \$400.00 per tree. Mr. Sarpen said there is a grant available for trees with Penn State. Mr. Sarpen suggested the borough buy a tree and let him plant it. Mr. Crull suggested checking into the tree situation until next council meeting.

Mr. Sarpen said Springettsbury had proposed an amendment to the sewer agreement for all the municipalities that are part of the Mill Creek Group. Springettsbury was always on a fiscal year beginning July 1 and ending June 30. On June 30, the information would go to accountants to get figures for sewer capacity rates. The accountants would never have figures ready for budget time for the municipalities. Now Springettsbury wants to change from a fiscal year to a calendar year. There only problems is there will be one accounting period of eighteen months. The amendment changes Springettsbury from a fiscal year to a calendar year and allows for a transition of eighteen months. Mr. Sarpen presented this amendment to the Yoe Borough Sewer Authority and they don't have a problem with it. The sewer authority would like to wait to see if the other municipalities



#### Engineer's Report(cont.)

have a problem with it. Mr. Sarpen presented a copy of the amendment to council. Copies will be sent to the council with their minutes for this month.

A motion was made by Mr. Diehl to sign the contract extension for the curb, sidewalk, and drainage project until 6/30/98. The motion was seconded by Mr. Snyder. All in favor.

A motion was made by Mr. Snyder to sign the 1996 contract extension for the YCPC Flood control project until 6/28/98. The motion was seconded by Mrs. Smith. All in favor.

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A motion was made by Mr. Crull to sign the 1994 contract extension for the YCPCP flood control project until 6/28/98. The motion was seconded by Mrs. Smith. All in favor.

Mr. Snyder asked Mr. Sarpen if some kind of postcard/memo can be sent to the new sidewalk property owners explaining the harm of calcium/sodium chloride on the new sidewalk.

#### Solicitor's Report

Mr. Myers read the resignation letter of Barbara Stump. Mrs. Stump offered to turn over any inactive files. Mr. Myers said the personnel committee reviewed candidates for a new solicitor. Pete Solymos was selected. Mr. Snyder made a motion to appoint Pete Solymos to be borough's solicitor. The motion was seconded by Mr. Crull. All in favor.

Mr. Solymos asked for a copy of the resignation letter so he can contact Mrs. Stump.

Mr. Myers said there is a question/concern concerning the parcel of land in Yoe Borough owned by Mr. Rexroth. Mrs. Crull explained that the parcel on our tax map as Map 2 Parcel 16A is the parcel with questions about it. Mrs. Crull said for one and one half years the parcel has been sold but not changed over to the new owner's name on her records. The assessment office has no record of change and she was transferred to the map office. A new subdivision was done. The parcel taxed by Yoe Borough has all been joined into one larger parcel in York Township. And the parcel will be taken off of our tax map. Mrs. Crull asked if they can do this? Mr. Solymos said he will research this and clarify it and get back to the borough. Mrs. Crull asked if the tax map is being changed does Yoe Borough still have control over the land usage there? Mr. Solymos said absolutely.

Mr. Myers gave a copy of the resolution from Lower Windsor Township concerning assessment for Mr. Solymos to read over. Mr. Myers said the tax ordinance shows a 1.153 real estate tax millage and a fire protection tax rate of .129. Mrs. Crull said she had spoken to Mrs. Stump on calculation using projected assessed values that the assessment office had forwarded. Mr. Solymos said the borough could pass a resolution like the one given him, if they wanted to. Mr. Solymos asked how many assessment appeals there are. Mrs. Crull said two formal ones. Mr. Solymos asked if they have assessed all the properties.



Solicitor's Report(cont.)

Mr. Solymos said they probably have done that. Mr. Solymos said he feels that two tracts of land will not make a difference. Mr. Snyder said since the county isn't done with their job, that won't affect the borough. Mr. Solymos added that there are only two appeals and felt that the resolution would be of no use at this time but the borough could voice their objection later.

A motion was made by Mr. Sheffer to adopt the budget for 1998. The motion was seconded by Mr. Diehl. All in favor.

A motion was made by Mr. Snyder to adopt the tax millage ordinance for 1998 establishing a 1.153 millage for real estate and a .129 millage for fire protection. The motion was seconded by Mrs. Snyder. All in favor.

Mr. Crull said Rick Garcinski from PENN DOT has come out to look at our facility. He proposed that he would bring one to three of his trucks here either near cinder shed or up by ballfield. Mr. Crull said they have the insurance coverage. Mr. Snyder made a motion to allow PENN DOT to store on to three trucks on the borough property in case of threatening weather. The motion was seconded by Mrs. Smith. All in favor. The secretary reminded Mr. Crull that a certificate of insurance be forwarded to the borough.

Mr. Snyder asked if the borough should respond to the letter sent to the borough from Attorney Boyle in regards to the intersection of Main and George Sts. Mr. Myers added that discussion has been going on for years concerning this intersection. Mr. Solymos recommended forwarding a copy of Attorney Boyle's letter to PENN DOT. Mr. Solymos said the borough has no duty to maintain or upkeep a state road. The borough's duty is to make the state aware of problems there. Mr. Solymos said the borough is immune from action. Mr. Myers said to send a copy to Barry Hoffman and to Charlie Webb of PENN DOT.

Mr. Myers reported to Mr. Solymos that the borough received a grant from YCPC for sidewalks, curbs and drainage. The borough put this job out for bids for contractors. One bid was extremely low, two were average and one was extremely high. The lowest bid, Cappy's Aluminum Siding had unbalanced and non conformities in the bid documents. Mr. Myers said the name was changed in faxes to Cappy's Construction. Mr. Myers said a complaint has been filed to YCPC, HUD and a copy was forwarded to the borough. Also a retention basin has been in the plans for Locust St. Mr. Snyder added that there are two engineering firms involved in this project thus far and some questions on who will be doing certain follow up work is in question.

Mr. Myers said that the police contract will be presented soon. York Township is in the process of merger with Spring Garden. Mr. Myers said he had heard conflicting reports as to the time of this merger. Also Mr. Myers added that Windsor Township are meeting to form a regional police force of Windsor Township, Lower Windsor Township and Red Lion. This force sounds promising also.

Mr. Snyder said the borough has a history of vandalism and having children out on the streets at night. The borough was



#### Solicitor's Report(cont.)

told by the police, that curfew laws aren't really enforceable. Mr. Solymos would like to look over the borough's ordinance. Mr. Myers said that borough has a dog barking ordinance also. Mr. Myers said he understands someone went as high as the Supreme Court with a dog barking case. The Supreme Court sided with the people whom were cited saying that people can't control their dog barking when it is outside.

#### Zoning Officer's Report

Mr. Myers reported no permits or violations were issued.

Mr. Diehl aksed if there was a response to Wilson Court and Third St. The secretary will remind the zoning officer again.

#### Mayor and Police Report

York Township police reported the following for the month of November. There were 2 accident, 6 incidents, 15 miscellaneous and 7 officer assisting calls. There was one summary arrest. Under traffic, 14 moving violations, 7 VASCAR and one parking. The cost of November was \$2544.00. The cost for 1997 is \$28037.66.

#### Emergency Management Coordinator's Report

Mr. Smith attended a meeting on November 8 and three items were discussed; they were the update of the local plans, terrorism and winter preparedness.

Mr. Smith said a sample ordinance was distributed at the meeting. The ordinance deals with the controls of water restriction with the current condtions. A copy was given to the borough.

Mayor Baublitz said a list of 1998 officers for the fire company and ambulance club is needed for Windsor Borough.

#### Secretary's Report

The council approved the meeting dates for 1998 as : January 6, February 6, March 3, April 7, June 2, July 7, August 11, September 1, October 6, November 3, and December 8, 1998.

A motion was made by Mrs. Snyder to appoint William Garman to the planning commission with a term ending 12/31/01 and Crystal Davis to the zoning hearing board with a term ending 12/31/00. The motion was seconded by Mrs. Smith. All in favor.

The council said there was no problem with Jean McCleary's Bible study caroling on December 21.

Mike Craley, the solicitor for the Yoe Borough Sewer Authority said that Rachel Jones and Margaret Rollman have paid up all the back fees owed to the borough and the sewer authority. The amount of approximately \$4,000.00 will be porportioned to the borough and authority.

#### Unfinished Business

Mr. Myers said Mr. Dehoff didn't want the pressure washer. Mr. Myers will give the borough a check for \$199.99 and keep the washer when he returns the books to the borough.

Mr. Myers said he is still working on the emergency plans.

### Unfinished Business(cont.)

Mr. Myers said he is committed to getting the project done.

Mr. and Mrs. Scott Floyd have expressed interest in taking over the park during rental season. Mrs. Snyder will call them to double check. Mr. Myers asked Mrs. Snyder to have them call his home and talk to Mrs. Myers.

Mr. Diehl asked about the trees. The secretary said it will be three weeks until the service can remove the trees.

### New Business

Mrs. Snyder asked if something different was being done Yoe Ambulance's procedures. Mrs. Smith said you will be charged but there won't be any membership anymore. Mrs. Smith said the trip will be paid for instead of a membership.

Mr. Myers talked to Windsor Township about the crack sealing machine. Mr. Myers said Mr. Dehoff could over to the township work over there for three days and then the machine could be brought over here and the borough would buy the supplies.

Mrs. Snyder made a motion to give the following Christmas bonuses: \$100.00 to Mrs. Sterner and \$75.00 each to Mr. Dehoff and Mrs. Kile. The motion was seconded by Mrs. Smith. All in favor.

Mr. Myers said he wants to talk to David Simko of USA Waste. Mr. Myers said the fire company's trash is being dumped with the borough's trash. Mr. Myers said something needs to be done because they are definitely dumping into the borough's waste. Mr. Solymos said the borough needs to put them on notice that they are in violation of their contract. The secretary said a letter was sent to them along with a copy of the contract prior and the borough meet with USA Waste, Mr. Simko and the borough was told that all the problems have ben handled and followed through. Mr. Solymos said another notice may have to be given to them and he will research this. Mr. Rodney Smith till call the fire company to have them check Wednesday or December 10.

Mr. Snyder said he would to thank and recognize Mr. Myers for ten years of service to the borough. Mr. Myers said he would be willing to help the borough in maintenance during the summer.

Council would like to send Mrs. Myers a letter of appreciation to Mrs. Myers for her years of service to the borough.

### Payment of Bills

A motion was made by Mrs. Smith to pay the bills as listed. The motion was seconded by Mr. Crull. All in favor.

### Adjournment

A motion was made by Mrs. Smith to adjourn the meeting at 9:28PM. The motion was seconded by Mrs. Snyder. All in favor.