

**Jacobus Borough Council Meeting**  
**Meeting Date: December 5, 2018**

**Call to Order**

Council President Roger Coleman called the meeting to order at 7:00 p.m.

**Opening Invocation and Pledge of Allegiance**

Invocation was offered by Council President Roger Coleman and was followed with the Pledge of Allegiance led by Council Vice President Lance Beard

**Roll Call**

Cynthia Ferree called roll. Present were Council President (CP) Roger Coleman, Council Vice President (CVP) Lance Beard and Council Members (CMs): Kathie Cavanagh, Brian Dell, Jeff Hammers, Sandy Sheffer and Donald Wright; and Mayor (MYR) Greg Gruendler and Sarah Doyle, Esquire.

**Minutes and Treasurer's Report**

1. Minutes of November Council Meeting – **CM Brian Dell made a motion to approve the November 7, 2018 Council Minutes as presented. The motion was seconded by CM Donald Wright. Motion carried unanimously.**
2. Treasurer's Report – **A motion was made by CM Donald Wright to approve the November 2018 Treasurer's Report for audit as presented. CM Sandy Sheffer seconded the motion. Motion carried unanimously.**

**Persons on the Agenda/Public Participation**

A. Grant Anderson, Site Design Concepts - Mr. Anderson presented information/options on various items as follows: 1.a. N. Pleasant Ave. Stormwater- To address this matter in the most cost effective way, Grant recommends cutting a mill notch, 100 ft. long x 3 ft. wide x 2-3 inches deep @ 1 & 3 N. Pleasant Avenue. The mill notch would be graded to eliminate the stormwater flowing into the driveway at 1 N. Pleasant Avenue and drain the stormwater effectively to Smith St. and/or Valley Road. The estimated cost for this project is \$3,000.00 to \$5,000.00. **CM Donald Wright made a motion to accept the proposal to address the stormwater matter at 1 N. Pleasant Avenue as presented by Grant Anderson of Site Design Concepts. The motion was seconded by CM Brian Dell.** Discussion was held with various other conversations taking place at the same time. CM Brian Dell called for the question ending discussion and for the vote. CP Roger Coleman called for the vote to the motion on the floor. **Motion carried unanimously, b.** Sidewalk Replacement- The cost to replace or repair the 4' x 100' sidewalk at the southwest corner of N. Pleasant Ave. is estimated to be \$5,000.00. With the motion approved in 1.a., there is no need to pursue this further, 2. 6 & 8 Park St. Stormwater- Grant Anderson, Borough Engineer and CM Brian Dell began to present options to address the stormwater matter on Park St. CM Donald Wright stated nothing needs to be done on Park St. He said the stormwater problem was due to a 1000 yr. storm. CM Brian Dell stated that is not true. The owners who have resided for 60+ years at this property, did not have this problem before the street was reclaimed during prior storms that dumped excessive amounts of stormwater, including in 1972 during hurricane Agnes when 16+ inches of rain fell. He said Council had part of the roll-up curb in front of 6 Park St. sealed which fixed the leaky curb issue during a normal storm event in that particular area, but work needs to be completed between the two (2) properties to eliminate water flowing from the property of 8 Park St. into the home on the property of 6 Park St. during storms producing an excessive amount of rainfall. CM Donald Wright stated the Borough should just seal more of the curb. CM Brian Dell stated he agrees that should be done but that will not correct the stormwater matter that is being discussed- that allows water to flow toward the house at 6 Park St. CM Donald Wright stated Borough Council should authorize work to seal the curb beginning at 8 Park St. to 6 Park St. CM Brian Dell stated the curb should be sealed from 8 Park St. to 0 Park St. Council members agreed with sealing the curb from 8 to 0 Park St., 3. E. Branch Dr. Stream Restoration & Bridge Repair- Grant presented information in regard to permits needed to perform this work. The streambed would be considered under a PA DEP GP-3 (General Permit-3), however if the work would encroach on any wetlands, a different general permit would be needed. The Borough could also be required to obtain a joint permit with the PA DEP and the Army Corps of Engineers. Grant recommended not performing any work on or around the stream bed or to the foot bridge without going through the proper permitting process. The matter, of blocking the trail on both sides with a split-rail fence and posting "Trail Closed" signs on either side of the bridge for the purpose of keeping citizens off of the bank leading to and from the bridge, was not completed as agreed would be done at the November Council meeting, was discussed. It was agreed the bridge is solid and is not the problem. The bank erosion and 3' drop-off on the east side of the bridge is the problem. CM Donald Wright stated the Borough should remove the bridge deck. Grant stated he would not recommend that because anything within 50' of the stream is considered to be in the PA DEP's Right-of-Way. At CM Donald Wright's request, Council directed Grant to check with the PA DEP to inquire what's involved to just remove the bridge deck, instead of placing the fences and signs, 4. Crosswalks- Upon inquiry, Grant stated so far PennDOT has not said it requires sidewalks to be installed at a crosswalk, and he hasn't seen anything that states handicap pads must be installed on either side of a crosswalk, 5. Lake Williams Dam Project- York Water Company will be scheduling a meeting with affected Municipalities to discuss replacing the road across the dam with a pedestrian walkway. Discussion included but was not limited to: Emergency Vehicle access and routes and the benefit of keeping the road open for Jacobus residents. **A motion was made by CM Donald Wright to make public record that Jacobus Borough Council opposes the permanent closure of Water St. to vehicular traffic, using the dam for pedestrian traffic only. CM Brian Dell seconded the motion. Motion carried unanimously.**

**Action to be Taken**

- A. Ordinance 2018-2- **CM Donald Wright made a motion to approve Ordinance 2018-2, stating the Tax Levy of Fiscal Year 2019 at 2.0 Mills. The motion was seconded by CM Jeff Hammers. Motion carried unanimously.**

- B. 2019 Proposed General Fund Budget- **A motion was made by CM Brian Dell to adopt the 2019 General Fund Budget for the amount of \$546,245.00 as presented. CM Donald Wright seconded the motion. Motion carried unanimously.**
- C. 2019 Meeting Calendar- **CM Donald Wright made a motion to approve the 2019 Meeting Calendar for advertising as legally required and as presented. The motion was seconded by CM Lance Beard. Motion carried unanimously.**
- D. ZHB Member Resignation- **A motion was made by CM Donald Wright to accept the resignation of Carl "Old Red" Arnold from the Zoning Hearing Board. CM Kathie Cavanagh seconded the motion. Motion carried unanimously.**
- E. Resolution 2018-4- **CM Jeff Hammers made a motion to adopt Resolution 2018-4, appointing residents of the community to serve on various Jacobus Borough (JB) Boards as follows: Zoning Hearing Board- Kay A. Kuhn and Samuel W. Jamison, JB Sewer Authority- Roger W. Coleman, JB Planning Commission- Thomas Schmit, and JLS Recreation Association- Stephen Turner. The motion was seconded by CM Kathie Cavanagh. Motion carried unanimously.**
- F. Columbia Gas Surety Bond- **A motion was made by CM Donald Wright to approve release of Bond #106083702 in the amount of \$91,543.75. CM Kathie Cavanagh seconded the motion. Motion carried by majority vote.**

## Borough Reports

- A. **Mayor & Emerg. Mgmt.** – Greg Gruendler presented: \*YARPD report/October 2018- 71.96 Service Hrs./20.94 Admin. Hours/5.50 Running Hours//28 Response Calls as listed on "Activity Report//No Alarm Responses; \*District Court Report/October 2018- \$120.18 Vehicle Code Violations/\$0.00 Local Ordinance Violations; \*No Fire Police Requests; \*Meetings/Training- Attended: PEMA Training involving Nuclear plants and YC Regional Stormwater Meeting. The County submitted its WIP (Watershed Implementation Program) to the PA DEP for approval; \*Fire Co. Regionalization- The meeting scheduled for voting on the regionalization was cancelled due to the winter storm event in October. The vote will be taken by secret ballot at each of the individual fire companies and will be counted by the Regionalization Committee in November.
- B. **Office Manager** – Cynthia Ferree presented: \*Zoning Hearing Board- The Borough is required to have three (3) members on the Zoning Hearing Board and one (1) alternate member at all times, therefore Council must find a candidate to fill the vacancy created by Carl Arnold's resignation; \*Audit Proposal/Schedule- Following the November Council meeting, Cynthia received a cost proposal from Hamilton & Musser (H & M) that was more than before and still included the stipulation that H & M also perform the JBSA's audit. She contacted H & M and presented the offer Borough Council agreed to accept- \$5,000.00 p/Year for the audit of Years 2018, 2019 and 2020, and the stipulation that H & M also perform the audit for the JBSA must be removed. She told them if H & M will not agree to these terms, then they must submit a new cost proposal and she will also seek cost proposals from other firms. After some discussion H & M agreed to the terms presented by the Borough. Upon receipt of a new proposal by the Municipal Office, CP Roger Coleman executed the "Letter of Engagement" with H & M as authorized at the November Council meeting; \*General Code- will honor its original cost proposal of \$495.00 to \$585.00, to codify and/or add to the disposition list, the Borough's Ordinances adopted in 2017 & 2018. The company will also apply a 10% discount to the final invoice if the executed cost proposal is returned to General Code no later than December 7. **CM Donald Wright made a motion to approve execution of the cost proposal from General Code as presented. The motion was seconded by CM Kathie Cavanagh. Motion carried unanimously;** \*Champion Energy- Cynthia would like to recoup PA Sales Tax that she discovered Champion Energy has been charging the Borough on each of its six (6) electric accounts. The sales tax was hidden in a line item titled "Bill Ready Taxes" until the last two (2) bills received. Champion Energy will provide a report to the Borough that includes the monthly sales tax charges and the total paid for each of the six (6) accounts upon execution of an agreement provided by Champion Energy. Upon Cynthia's request, Solicitor Doyle has already reviewed the agreement and doesn't see any issues with the Borough approving execution of it. **A motion was made by CM Donald Wright to approve execution of the agreement with Champion Energy which assigns "...the right to a refund of taxes to Jacobus Boro ("Customer")". CM Jeff Hammers seconded the motion. Motion carried unanimously;** Siding- As directed at the November Council meeting Dale Wise was contacted and he repaired the siding that blew off of the Municipal Building at no charge to the Borough. A thank you letter has been sent to Dale Wise for his services and donation.
- C. **BCO/Zoning Officer** – Mike Hammers reported: \*Spoke to the property owner of 201 Ameda Drive who had placed signs on the property advertising a business. Owner will remove signs and since the business is run on a PC it does not fall under the Zoning Ordinance regulations for a home business; \*Vegetation/Foliage Matters- As he reported he would at the November 7 Council meeting, Mike sent letters to the five (5) property owners who had not addressed the issue(s) on their property; \*United Avenue Brush Pile- Reviewed the site at 7 United Avenue regarding a concern he received of a large brush pile that contained other materials on the property of 7 United Avenue and that was going to be burned tomorrow. The pile contains a lot of brush, but also construction material, foam and other materials which are not permitted to be burned in the Borough. Nobody was around for Mike to speak with today but he will be going back tomorrow to address the situation. \*Permits- Issued two (2) permits for electrical upgrades and one (1) for a Solar Panel project; \*UCC Certification expires in June 2019. He signed up for three (3) classes to get his recertification and he is requesting reimbursement for the related costs, and also for postage & lamination costs related to his work as Zoning Officer. **CM Lance Beard made a motion to approve the reimbursement of the following costs: \$325.00 for the UCC courses, the actual cost of mileage to attend the courses when available, \$3.50 for lamination of signs for posting of Zoning Hearing Board meeting, and \$7.20 for Certified mail. The motion was seconded by CM Kathie Cavanagh. Motion carried unanimously;** \*ISO audit is scheduled for December 19, 2018; \*Upon inquiry, Borough Council stated the ordinance related to Pods/Containers has been tabled for now.
- D. **JBSA** – Roger Coleman presented: \*The Authority has executed a "Letter of Engagement" with H & M for the SA's audit of year 2018.
- E. **Solicitor** – Sarah Doyle, Esquire: \*Reported on items she researched as she was directed by Council at the November 7 Council Meeting- 1. Park Rentals- Commercial Retail Sales are not allowed under Zoning Ordinance regulations. Council can approve Charitable events, Festivals, etc. under temporary Zoning Permit regulations, 2. Fire Co. property- the land was originally donated to the fire company by the Innersts. There are two (2) lots under a "Confirmatory Deed". Currently there are no restrictions on the use of the

property, 3. A letter was sent to JLS Recreation Association notifying them of Jacobus Borough's intent to withdraw from the Intermunicipal Agreement, effective January 1, 2020; \*CM Brian Dell extended a sincere thank you to Sarah and the Stock and Leader Law Firm for their services to the Borough and the donation the firm made again this year to The Village Library in the name of the Borough.

- F. **Finance & Budget** - \*OM Cynthia Ferree presented the 3<sup>rd</sup> quarter bank Statements plus October bank statements for review to the Finance & Budget Committee. MYR Greg Gruendler stated he will perform the review.
- G. **Streets** – \*Crosswalks- CM Donald Wright presented additional information related to the installation of crosswalks at a location on N. Main St. and a second location on Valley Road. PennDOT is requesting the crosswalk on N. Main St. be moved 50 ft. south at the intersection of N. Main & Smith Sts. This will reduce the extent of the traffic study//CM Brian Dell stated Milt's Repair Service has been contacted to service the crosswalk 'hand' signals at the traffic light which are not operating properly; \*Park St.- **A motion was made by CM Donald Wright to approve sealing the curb from 8 to 0 Park St. as discussed in "Persons on the Agenda/Public Participation", Ltr. A. CM Sandy Sheffer seconded the motion. Motion carried unanimously;** \*CM Lance Beard stated he can no longer get the premixed yellow 'safety' paint he was using for curb painting from YC True Value as it has been discontinued by the manufacturer. He doesn't know where the Borough can get paint. CM Brian Dell stated he has spoken with the manager at Loganville True Value, and the manager stated he told Lance and Roger that his store can mix any color paint that is needed. A color sample is all that is required to mix the paint in-house at the store.
- H. **Refuse & Recycling** - \*No report
- I. **Buildings and Grounds** – \*Community Park- 1. MYR Greg Gruendler stated two (2) of the Borough's fold-up tables in the park pavilion are broken but can be repaired. CM Brian Dell stated he noticed one of the picnic table bench seats also needs repaired. He stated the repairs should not be difficult and he will take care of it, and 2. CM Lance Beard stated the three (3) Dusk to Dawn lights are not working and should be repaired. OM Cynthia Ferree requested the locations of the lights in order to schedule the repairs. CM Donald Wright stated he will get the locations and let Cynthia know.
- J. **Community Events** - \*Christmas Tree Lighting- MYR Greg Gruendler stated approx. 300 people attended the Lions Club's event and there were no incidents. CM Jeff Hammers stated he couldn't hear the singers, and that the Borough should get the tree trimmed in 2019.
- K. **JLS Recreation Association** - \*No report
- L. **Other Reports** - \*Circle Drive Stormwater Facility- CM Donald Wright cleaned it out for the 4<sup>th</sup> time this year; \*Streambed Restoration & Bridge Repair- **CM Brian Dell made a motion to appoint a sub-committee to begin long range plans to move forward with the Streambed Restoration & Bridge Repair at the E. Branch Drive entrance to the Nature Park in the "Woods at Lake Redman". The motion was seconded by CM Donald Wright. Motion carried unanimously.** CMs Brian Dell and Roger Coleman, and MYR Greg Gruendler volunteered to serve on the sub-committee.

#### Unfinished Business

- A. No 'Unfinished Business' to report.

#### New Business

- A. No 'New Business' to report.

#### Correspondence

- A. Thank you/Donation Ltr. from Stock and Leader
- B. Central Penn Business Journals
- C. Misc. Monthly, Quarterly, Annual Newsletters & Reports

#### Bills

**CM Jeff Hammers made a motion to approve November 2018 expenses as follows: General Fund- \$20,945.82, and disbursement of December 2018 expenses-to-date from the General Fund of \$4,394.25 and \$8,732.50 from the Liquid Fuels Fund, as presented in the Treasurer's report. The motion was seconded by CM Donald Wright. Motion carried unanimously.**

#### Other Business

- A. No "Other Business" to discuss

#### Adjournment

**A motion was made by CM Kathie Cavanagh to adjourn the meeting at 9:12 p.m. CM Donald Wright seconded the motion. Motion carried unanimously.**

Jacobus Borough Council will meet next on Wednesday, January 2, 2019 at 7:00 p.m.

Respectfully Submitted,

Cynthia M. Ferree  
Office Manager/Treasurer  
Jacobus Borough Council

\* - Denotes change of subject