

**CHAMBER OF BOROUGH COUNCIL**  
**Shoemakersville Borough**

**May 15, 2018**

President Kline called the workshop meeting of the Shoemakersville Borough Council to order in the Shoemakersville Borough Office, 115 E. 9<sup>th</sup> St., Shoemakersville, PA at 7:03 p.m.

**In attendance:** Chris Kline – President, Amy Botwright – Vice President, Joseph Wertz, Jr., Tara Kennedy-Kline, Steve Gilbert, Dana Smith, Dustin Remp – Mayor, and Brad Smith – Engineer.

Absent from the meeting was John Leshner.

**Visitor** – Lyn O’Hare, SSM

Ms. O’Hare is the consultant hired by the PADEP to carry out the borough’s source water protection plan. She distributes handouts on the program, as well as a delineated map of the borough’s source water protection zones in the water system. This is a voluntary program and not a regulatory DEP plan. She discusses the plan and provides an overview. They review the area immediately around each well, which is the most critical protection area. Based on the borough’s geology and other characteristics, they look at whether water will travel within 10 years, also looking at the watershed. The goal of the source water protection plan is to help prevent contamination to protect public health. Ms. O’Hare, Engineer Smith, and Council discuss the plan and how it impacts the borough. She is available for a more detailed presentation if requested.

**Mayor’s Report**

Mayor Remp met with the new Commander for the PA State Police Hamburg barracks. The Commander will attend a future borough meeting. Mayor Remp’s goal is to have more of a police presence in the borough. Council discusses a speed bump on Main St., with President Kline noting that any traffic calming device must be approved by PennDOT. Mayor Remp recommends placing a 4-way stop at 9<sup>th</sup> and Main Sts. Council discusses what may be required. **Engineer Smith will look into the matter.**

Mayor Remp is in favor of a speed limit sign at the north end of Main St., with Foreman Zimmerman stating a 25 mph speed limit sign could be placed in the grassy area at the borough line, before the 10<sup>th</sup> St. sign, coming into town from Hamburg.

Mayor Remp will be swearing in the executive board at the fire company on June 11. Mayor Remp asks where new flags are purchased for the borough, with Vice President Botwright stating The Flag Shoppe. **Mr. Gilbert will look into obtaining flags from Senator Argall’s office.** Mayor Remp would like to see the borough locations also have the Pennsylvania flag.

**Public Works Report**

Foreman Zimmerman forwarded copies of the water results from Hawk Mountain Labs to President Kline and Mr. Wertz.

Foreman Zimmerman requests authorization to purchase a new printer for his office. **President Kline will purchase a printer.**

Foreman Zimmerman notes that the tenant at 144 Main St. has a generator running 24 hrs/day. He has posted the property and spoken to the tenant, letting him know that the generator may not run from 9 pm

to 7 am. If the resident continues to violate the ordinance, he can be fined. After a third offense, the borough may remove the generator from the property.

Foreman Zimmerman states that Mr. Dietrich would like Council's input on the following; clarifier #1 is drained. Should Mr. Dietrich reach out to Descoco to determine if they will honor making the repairs, as they had done with clarifier #2? Blooming Glen will be onsite in the near future. Should they be approached to supply a quote for the repairs? **Foreman Zimmerman is to reach out to Nick, who should contact Mr. Wertz.**

Foreman Zimmerman reviews the proposal from Hilltop for landscaping at the pool. Item #1 is what is currently being completed. Item #2 is an all-inclusive price for the entire area. Item #3 is the back section of the area. Council does not opt for Item #3. The borough is not responsible for payment of the bill, as it is included with the Stoneridge work. Ms. Kennedy-Kline spoke with Mr. Seitter at Stoneridge, who agreed to sod the front 9,000 sq. ft. and hydro-seed the back side. Foreman Zimmerman notes that the borough is responsible to snow-fence the area behind the pool to be hydro-seeded. Ms. Kennedy-Kline recommends utilizing black landscaping fencing, as it may be less expensive.

### **Property/Streets/Sanitation – Ms. Kennedy-Kline – no report**

#### **Sewer – Mr. Wertz**

Engineer Smith notes that at a prior meeting, Mr. Overberger discussed the VLR repairs. With shipping costs, the total will be \$54,925. President Kline and Mr. Wertz discuss if this can be included in the PTMA \$20,000 reimbursable costs. Ms. Wagner is to look into the expenses for the 2014 VLR project.

#### **Water – President Kline – no report**

#### **Parks & Recreation – Ms. Kennedy-Kline**

Ms. Kennedy-Kline would like the hole at the end of 9<sup>th</sup> St. to be repaired before Children's Fair.

\*A motion is made by Vice President Botwright to hire Logan Adams at \$10/hr, Bryce Berger at \$9.00/hr, and Reese Adam at \$9.00/hr for the 2018 park leaders. Seconded by Mr. Wertz. Motion carried unanimously.

\*A motion is made by Vice President Botwright to hire pool staff, including Alex Kline in the snack bar for \$7.50/hr, Rita Ehrnfeltd as salaried manger at \$2,000 for the season and Amy Botwright as aquatics supervisor and swim lesson instructor for \$1,500. Seconded by Mr. Wertz. Mr. Wertz asks why Vice President Botwright's salary is reduced, with her stating that she may not be lifeguarding as much this season and that she will be spending less time at the pool, with Ms. Ehrnfeltd filling in. Mr. Wertz and Vice President Botwright discuss her salary. Mayor Remp notes that future salary adjustments could be made if additional lifeguards are not hired. Vice President Botwright is to keep track of her hours worked at the pool. Mr. Wertz amends the motion so that the salary of the aquatics supervisor is \$1,680 + \$9.25/hr for any hours worked over 200 hours for the season. Seconded by Ms. Kennedy-Kline. Motion carried by a vote of 5 yes to 1 abstain, with Vice President Botwright abstaining.

#### **Law/Planning/Zoning – Mr. Wertz**

Ms. Kennedy-Kline asks what Council can do to support Foreman Zimmerman with the property at 372 Main St. Foreman Zimmerman spoke with Mr. Murphy on the matter. Mr. Murphy will be researching the matter under property maintenance and reporting back to Foreman Zimmerman. Foreman Zimmerman and Council discuss the nuisance ordinance specifications that relate to the condition of the property.

**Ms. Kennedy-Kline will be taking photo documentation of the condition of the property.** President Kline notes of a property at Chestnut & 5<sup>th</sup> Sts. that has high grass.

Foreman Zimmerman will be drafting several notices for grass and weeds this week. Ms. Kennedy-Kline notes of the two vehicles parking in the yard at 37 E. Noble Ave. Mr. Wertz states that the grass is high at 401 Pine St.

Foreman Zimmerman and Ms. Wagner will create form letters/notices that could easily be filled out and distributed to property owners that are in violation of ordinances. Mr. Wertz recommends door hangers. Vice President Botwright suggests posting the most frequently violated ordinances on the website.

### **Employee Relations – President Kline**

\*A motion is made by Vice President Botwright to hire Max Kline as a part-time seasonal employee for the borough at a rate of \$11/hr. Seconded by Mr. Wertz. Motion carried by a vote of 3 yes to 2 abstain, with Ms. Kennedy-Kline and President Kline abstaining.

There are now two seasonal part-time employees. Foreman Zimmerman could still use additional seasonal help, noting that he is aware of two teachers that are interested.

### **Approvals/Finance/Pension – Vice President Botwright**

\*A motion is made by Vice President Botwright to approve the minutes for May 1, 2018. Seconded by Mr. Wertz. Motion carried unanimously.

\*A motion is made by Vice President Botwright to approve the bills payable for May 15, 2018. Seconded by Mr. Wertz. Motion carried unanimously.

Vice President Botwright states that Customer's Bank has noted that \$655,852 remains on the loan. She notes that water meters, road projects, Pennvest, and part of the pool project have already utilized funds. \$200,000 can be used for the pool, additional water meters still need to be purchased, the Main St. bridge project and the Pigeon Creek repairs will utilize remaining funds on the loan, as well as the headworks project.

### **New Business**

Council and Engineer Smith discuss PTMA's repairs of 2<sup>nd</sup> St. Engineer Smith states the borough was promised the road would be rebuilt with an overlay, and that the trenches would be repaired. Engineer Smith's understanding is that the base repairs would be completed per borough ordinance, which is 4" and that PTMA would do an overlay of 2<sup>nd</sup> St. PTMA is now stating they will only be repairing the trenches. President Kline's e-mail from Mr. Witman states that they will be doing base repair on the trench only and makes no mention of an overlay. Since the road was milled, President Kline feels they would be overlaying the road. The road is in such poor condition that although the repair would be adequate for a few years, the cracks would eventually push up through.

Council and Engineer Smith review and discuss the quote from Folk Paving for the road repair. Ms. Kennedy-Kline states that the borough ordinance notes that any temporary fixes must be removed and the road restored to borough standards, with Vice President Botwright adding that a minimum of 6" of 2A crushed stone sub base is to be utilized. Mr. Wertz submits that the township engineer made a permit application for a street cut, with the engineer including a letter stating that all streets would be restored to borough standards. The paperwork further noted that the street openings for 2<sup>nd</sup> St. are 12,900 sq. ft. of area. PTMA's viewpoint is that they should only restore the area they actually cut, to borough standards. The actual square footage of what was cut would have resulted in a \$28,000 street cut permit.

Ms. Kennedy-Kline references a letter from Envirotech, which states that all streets will be restored to borough standards and that all paving within the borough shall comply with borough ordinance, noting the project includes replacement of a portion of the borough's system on 2<sup>nd</sup> & Main Sts., and new services for

the residents on 2<sup>nd</sup> St.

President Kline's concern is that if the borough disagrees with PTMA and wishes to have the road restored, nothing will happen to 2<sup>nd</sup> St., the road will remain in its current condition and a lawsuit with PTMA will follow. The road has pre-existing cracks and depressions. He asks if PTMA should be responsible for full road restoration. This is a case of restoration vs. repaving. Ms. Kennedy-Kline feels the road's prior condition is of little concern, as the borough waived the original street cut fees because the borough would be obtaining a new road. President Kline does not feel there is adequate documentation that PTMA planned to replace the road. Mr. Wertz disagrees and cites the October 4 Envirotech letter. Ms. Kennedy-Kline refers to prior meeting minutes that coincide with Mr. Wertz's information. Council and Engineer Smith further debate the project. Foreman Zimmerman notes that the road's current condition is not a good situation for the road crew, mainly during plow season.

Mr. Wertz would like to see PTMA pay \$14,800 into escrow, and to have Folk Paving bill them before their grant deadline of June 1. Council discusses whether PTMA would be permitted to do that through their grant. If DCNR paid for the \$9,000 borough's fee and ARRO's fees, the borough's additional fee could be included. Mr. Wertz notes that this would give all parties involved the opportunity to review the documentation on the road restoration of 2<sup>nd</sup> St. Mr. Wertz and Engineer Smith believe that PTMA is being charged \$16,800 by Folk Paving to repair the trench area. Council discusses revising the cost of the street cut permit. If the cost is too high, Mr. Gilbert feels it would be immediately rejected by PTMA. Ms. Kennedy-Kline notes the borough's three options: #1: Insist that PTMA rebuild 2<sup>nd</sup> St. #2: Accept the \$16,800 work to be completed by Folk Paving. #3: Invoice PTMA \$28,000 for a street cut fee for what was actually cut. Ms. Kennedy-Kline states that she refuses to have the borough put any money into the road, as it should be considered PTMA's responsibility. Solicitor Mooney may be contacted for his input on the matter. Engineer Smith estimates that it would cost almost \$50,000 to restore the entire street.

\*A motion is made by Mr. Wertz to authorize the borough president to write a cover letter and invoice for street cut permits for \$16,800 to Donald Mast and the PTMA solicitor. The borough will provide the evidence and ordinance for their reference, with the hopes to amicably resolve the issue. Full cost of the street cut permit would have originally been over \$90,000. The actual square footage of what was cut would have resulted in a \$28,000 street cut permit. Seconded by Vice President Botwright. Mr. Gilbert asks where the \$16,800 figure came from, with Mr. Wertz stating it was from PTMA. President Kline reviewed a quote from Folk Paving that was obtained 2 years ago. It was for a complete mill, grade, and BCBC wear course, for 2250 sq. yds. for \$46,000. This is approximately \$21/sq. yd., being multiplied by 823 is \$17,000. Ms. Kennedy-Kline would agree to the terms if the amount was amended to \$28,000 as the borough would be accurately assessing what their street cut permit cost should have been. Mr. Wertz does not agree to the change and feels the \$16,800 is closer in line to PTMA's budget. Ms. Kennedy-Kline feels their budget number should have been \$45,000 and that she does not trust their calculations. **Foreman Zimmerman will contact Folk Paving to obtain a quote.** Vice President Botwright notes that the street cut ordinance states that under paving and restoration, immediately following backfill and compacting, the permittee shall apply a temporary restoration, which may be in place no longer than 3 months. Permanent restoration must be placed in accordance with borough standards no later than the expiration of such 3 month period or 2 weeks after the permittee is given notice by the borough secretary, whichever occurs first. Failure to abide by any of these restoration criteria will subject the permittee to pay the full amount plus 10% of any costs incurred by the Borough to repair the street. President Kline interprets the ordinance to be if the borough has to repair their temporary patch, PTMA would be responsible for that cost plus 10%. Mr. Smith asks if there is an issue with the street cut permit stating "estimated" dimensions. Mr. Wertz notes it is only for the actual sq. footage of the trench which is 5 1/2' x 400' or 244 sq. yds. Vice President Botwright notes from the ordinance that in computing the square yards of the pavement or surface area to be disturbed as the basis of any fee, which is

based upon quantity of surface area disturbed, twelve inches (12”) shall be added to all sides of the proposed opening or excavation. The first 10 sq. ft. is included in the \$75 permit cost. Anything over that would be \$7.50/sq. ft. President Kline calculates that the additional 3,000 sq. ft. would cost \$22,500.

President Kline states the borough has paid for everything for the laterals up to this point. Engineer Smith and Ms. Kennedy-Kline discuss the invoice received from PTMA and notes that Council removed item 9, referencing the delay for water line and item 11, noting the permanent paving on Main St. Roll call vote taken with President Kline, Mr. Smith, Mr. Wertz and Mr. Gilbert voting yes and Vice President Botwright and Ms. Kennedy-Kline voting opposed. Motion carried.

#### Old Business

Council will create a fee schedule for the handicap parking ordinance. The fees will be set by resolution and not specifically noted in the ordinance. Council will review the stop, standing, and parking ordinance sample provided by Solicitor Mooney.

There being no further business, a motion is made by Vice President Botwright to adjourn the meeting. Seconded by Ms. Kennedy-Kline. Motion carried unanimously. Meeting adjourned.

Respectfully Submitted,

Melissa Wagner  
Secretary/Treasurer