**Stewartstown Borough Council**

**Meeting Minutes**

**Tuesday, September 4th, 2018**

**Members Others**

Kenton Kurtz Craig Sharnetzka, Solicitor

Roy Burkins Jason Brenneman, Engineer

Mike Ellinger Ira Walker, Jr., Sewer & Water

Bill Gemmill Mayor Robert Herzberger

Polly Kreiss Stacy Myers, Recording Sec’y

Donna Bloom

**Visitors**

Bill Amberman

Henry Blevins

Mark Raulie

Peggy Raulie

Murray Kovens

1. 7:00p.m.--Mr. Kurtz announced the continuation meeting of August 23rd was not held due to lack of a quorum. Mr. Burkins made a motion to adjourn the August 6th, 2018 Council Meeting; Ms. Kreiss seconded. All were in favor; motion carried.
2. 7:01p.m.—September 4th, 2018 meeting was called to order. Everyone present participated in the pledge to the flag.
3. **GENERAL BUSINESS**

* One change was necessary to the August 6th Meeting Minutes. Under Engineer’s Report, *“Ecker Avenue Street Work—one proposal received for labor, one received for materials”* should read “no proposals were received for labor, one was received for materials”. With this change, Mr. Burkins made a motion to approve the August 6th, 2018 Meeting Minutes; Mrs. Bloom seconded. All were in favor; motion carried.
* Financial Statements
  + Mrs. Bloom made a motion to approve General Fund bills paid August 3rd thru August 31st, totaling $41,471.09; Mr. Ellinger seconded. All were in favor; motion carried.
  + Mrs. Bloom made a motion to approve Sewer Fund bills paid August 3rd thru August 31st, totaling $241,975.48; Ms. Kreiss seconded. All were in favor; motion carried.
  + Ms. Kreiss made a motion to approve Water Fund bills paid August 3rd thru August 31st, totaling $52,642.11; Mrs. Bloom seconded. All were in favor; motion carried.

1. **PUBLIC COMMENT**—the following addressed Council:

* **Murray Kovens** has owned two apartments at 7 West Pennsylvania for approx. ten years. The other half of this semi-detached house was previously owned by Laura Manifold and Mr. Kovens had no problem with Laura; however, since Joe Failla bought the property from Laura in 2016, he & Mr. Kovens have had problems. Mr. Kovens’ tenants have 4 parking spots in the area between the 7 W. Penna house & Original Pizza Shop (owned by Mr. Failla). Mr. Kovens stated Mr. Failla demanded $1,000 from him after Mr. Failla had paved the parking lot awhile back. He has harassed his (Kovens) tenants about where they park, he removed Kovens’ tenants’ mailboxes, as well as his“For Lease” signs. There are two grates that catch stormwater toward the rear of the parking area. To eliminate standing water in the grate/parking lot, the Borough recently sent a letter to Mr. Kovens & Mr. Failla, but both men say the grate is on the other’s property & not their responsibility. Solicitor Sharnetzka conducted a deed search & found via a property map (& also walking off the area) that the grate was right on the property line dividing Kovens & Failla’s properties. Mr. Kovens said that is not correct; the grate is on Mr. Failla’s property. Mr. Failla had removed dirt & mud from the grate to help the standing water to drain, but Mr. Kovens said all the dirt, stones & mud was put on his (Kovens) property. Mr. Sharnetzka & Council stated this is an issue between the property owners. It is on private property & the Borough is not going to get involved or take sides. If the dispute escalates, Council suggested calling the Police; however, Mr. Kovens said the Police don’t do anything because they are friends of Mr. Failla’s. Council suggested the property owners get a surveyor and/or a mediator to hopefully come to an agreement and determine whose property both grates are on. Council told Mr. Kovens both grates must remain clear of debris so there is no standing water.
* **Henry Blevins**—12 Mill Street—He claims Murray Kovens knocked the curbing out around his (Kovens) parking lot and removed the rip rap on the embankment causing Mr. Blevins to get all the stormwater onto his property. Mr. Kovens said that was not true; however, he did state he added a lot of stone to the hillside, and rather than muddy water runoff, it is now clean water going to Blevins’ property. Mr. Kovens also placed railroad ties at the edge of the parking lot. Mr. Sharnetzka had met with Mr. Blevins after a recent meeting & had sent a letter to Mr. Kovens about the water running onto the Blevins’ property. Mr. Kovens had removed a pylon and Mr. Blevins said the water runoff is much worse since then. Mr. Sharnetzka stated there are channels in the yard where water comes onto the Blevins’ property, but Henry said, if the grate is cleaned out, he does not get water running off the parking lot. If the dirt is removed from the grate at least twice/year, there isn’t a problem. The solution comes back to Kovens/Failla resolving the responsibility for the grate(s).
* **Bill Amberman**—35 West Pennsylvania—stated that, since the August Council meeting, nothing has been done with his neighbor’s property @ 37 W. Pennsylvania regarding mowing, weeding & cleanup. He would like to see Council enforce their Nuisance Ordinance, which states the property owners in violation can be fined up to $600. Mr. Ellinger had spoken to Wade Portner, Codes Enforcement Officer for the Borough about 37 W. Pennsylvania, 38 W. Pennsylvania & 85 Cemetery Avenue. Mr. Portner enforces codes, not Ordinances; however, he told Mr. Ellinger Council may want to “beef up” the Borough’s Nuisance Ordinance regarding penalties & fines for properties in violation. Mr. Sharnetzka said the Nuisance Ordinances **does** include a section (Section 9) that institutes a fine & penalty process for violators and Council can begin that process, including placing a lien on the properties if they are not cleaned up.

The Borough Office sent pictures of the property to the owner of 38 W. Pennsylvania. She (Mrs. Halleran) has not been at the house for several years and was surprised to see the overgrown bushes, weeds & dead tree branches. She was under the assumption that a neighbor was mowing & taking care of the vegetation; however, when Mr. Ellinger spoke to Dave Page (neighbor/caretaker), Mr. Page stated he is mowing the grass, but Mrs. Halleran did not want the ivy/climbing weeds trimmed because they were “flowers”. Council would like to move forward with the enforcement of the Nuisance Ordinance. We can give the property owners 15 days to clean up their properties before the Borough gets someone to clean it up & place a lien on the property for all incurred costs.

Mr. Burkins said the neighbor of 37 W. Pennsylvania attended last month’s Council meeting and stated she (neighbor) was willing to clean it up so that the property owner (Roseberry, out of town for several months) didn’t get a fine. Nothing has been done in an effort to clean up 37 W. Pennsylvania, so do we still have to wait another 15 days? Mr. Sharnetzka said notice must be given in writing, in the form of a certified letter before taking action.

Mr. Burkins made a motion to mail certified letters to the property owners of 4 North Main Street (Klinefelter), 37 W. Pennsylvania (Roseberry), 38 W. Pennsylvania (Halleran) and 85 Cemetery (Anderson), & 24 South Main (Bailey/March) stating they must clean up their properties from weeds, tall grass, overgrown bushes, rubbish & trash within 15 days or the Borough will contract someone to do so and place a lien for all incurred costs. Mr. Ellinger seconded. All were in favor; motion carried.

1. **SOLICITOR’S REPORT**—Mr. Sharnetzka reported:

* **Resolution 2018-3—**York Adams Tax Bureau asked municipalities to support them by passing a Resolution stating they’re (municipalities) not in favor of a study to see the feasibility of a statewide collection of earned income tax, rather than YATB collecting it. While he believes YATB does a fine job collecting the taxes while charging a minimal fee, Mayor Herzberger does not see a problem with doing the study. Mr. Sharnetzka said he has two issues with a statewide collection: 1) Service and 2) Fee that the State would charge. *Resolution 2018-3 does not get adopted.*
* **Resolution 2018-3**—updating the Fee Schedule as Sewer & Water Tapping Fees have recently been increased. Mr. Burkins made a motion to adopt Resolution 2018-3; Mr. Ellinger seconded. All were in favor; motion carried.
* **39 Mill Street stormwater runoff issue**—owner of 39 Mill Street (Josh Tenney)—Mr. Sharnetzka & Council members reviewed the video sent by Mr. Tenney showing water running onto his property. Because this has been an exceptionally wet year, Mr. Sharnetzka said this is an unfortunate problem in a lot of municipalities, but in this case, the Borough is not deliberately or intentionally making changes to the flow of the water & running it onto Mr. Tenney’s property. This is the natural result in an area where there is increased building & surface.
* **Ordinance 2018-1**—EMS Governmental Agreement; this Ordinance has been advertised & is before Council for action. The Ordinance permits the Borough to execute an amendment to the Agreement between Hopewell Township, East Hopewell, North Hopewell Township, Crossroads Borough & Stewartstown Borough. This permits Eureka Fire & Ambulance to employ full-time EMS & to offer benefits. East Hopewell Township & Hopewell Township have already adopted this Agreement; Crossroads & North Hopewell have not yet, but Mr. Sharnetzka has spoke to their Solicitors confirming they plan to do so. Mr. Gemmill made a motion to adopt Ordinance 2018-1; Mr. Burkins seconded. All were in favor; motion carried.
* **Olson Rental Lease**—Jeanie Olson/Olson Accounting has signed a 3-year lease for the space at 6 North Main, Suite B.
* **Dangerous Tree Ordinance draft**—Mr. Sharnetzka created this draft of a proposed Ordinance that addresses trees on a resident’s property if the tree(s) endangers public safety, if it’s diseased, if by its location, it could fall on a house/sidewalk/street, etc. This Ordinance would allow the Borough to send notice, if no action is taken, the Borough can go onto the property, remove the tree(s) and bill the property owner for costs incurred. Mr. Ellinger made a motion to advertise this Ordinance; Ms. Kreiss seconded. All were in favor; motion carried.
* **Movie theater, 3 North Main Street**—property set to go to a Tax Upset Sale this Fall if the property owner (Neal) doesn’t bring the back taxes current. Liens on the property would get satisfied at a Tax Upset Sale, but if it extends to a Judicial Sale in the Spring, liens & monies owed would get wiped out.

1. **ENGINEER’S REPORT**—Jason Brenneman reported:

* **Ecker Avenue paving project**—Proposal #1 for labor—no proposals were received; Proposal #2 for materials—one proposal was received. Since liquid fuels monies can be held over till next year, Mr. Ellinger made a motion to reject the one bid for materials; Mr. Gemmill seconded. All were in favor; motion carried.
* **Ecker Avenue culvert replacement**—two contractors submitted quotes to do this work this Fall or by year-end; Manifold Excavating--$5,380 & Douts Excavating--$8,250. Mrs. Bloom made a motion to authorize Manifold Excavating to replace the culvert at the end of Ecker Avenue; Mr. Ellinger seconded. All were in favor; motion carried.
* **Pipe along Burkins’ property**—the pipe that runs along the alley besides Roy Burkins’ property is at the edge of the alley and a meeting was held with the owner of that property, Ben Orlando. Mr. Orlando asked for reimbursement in the form of storm sewer work for the easement that the Borough will need to replace the storm sewer & boxes. The 2nd house to the west of the alley has an inlet that discharges right above Mr. Orlando’s property. The water runs down a built-in swale to the larger swale to the old Fypon property. Mr. Orlando would like the old inlet on West Pennsylvania replaced as well as another inlet on the other side of West Pennsylvania, have these two connected, then run a new pipe past the corner of the last house (Orlando’s rental property), discharge it into the swale & reshape the swale. Jason estimated this work at approx. $9,000, the biggest part of the project being the reshaping of the swale. To obtain the easement, the Borough would either pay Mr. Orlando for the easement for the alley work or replace the inlets at West Pennsylvania Avenue. The inlets are in bad shape, Jason stated, so he believes this makes sense to do. The project would include replacing the top box & replacing the old inlet and some pipe. A new top is proposed also, one with a better hatch. An Easement Agreement should be in place before moving forward with this project. Discussion was held on whether the Borough owns the right-of-way in that area and if an easement would be necessary. There is a water line in that area that was a private water line for Fypon. To be determined….is this an easement for the water authority (who installed the water line) or a public right-of-way for an unopened street? Mr. Sharnetzka will determine ownership of this before the Borough moves forward with this project.
* **13 Chantilear Court (McFarland)**—Jason talked to the homeowner about his sump pump discharge and had recommended he contact Douts Excavating to do the work. Douts had since received phone calls from the homeowner; there were some issues & Douts is no longer willing to work with him. Jason has now given Mr. McFarland another contractor’s contact information.

1. **SEWER/WATER SUPERVISOR REPORT**—Ira Walker, Jr. submitted his report, which will be on file with these Meeting Minutes. Borough Council approved the following items:

* SCADA upgrades by Control Systems 21 for a cost of $3,297.60 (w/o labor)—Mrs. Bloom made a motion to approve this expense; Mr. Gemmill seconded. All were in favor; motion carried.
* Pump/motor for Well #5, replaced with assistance from Wierman’s Plumbing for a cost of $1,936.80. Mrs. Bloom made a motion to approve this expense; Mr. Burkins seconded. All were in favor; motion carried.
* Calibration of flow meters & scale at sewer plant by Control Systems 21, cost of $297. Ms. Kreiss made a motion to approve this expense; Mr. Gemmill seconded. All were in favor; motion carried.
* Well #6 work completed by Control Systems 21, cost of $1,054.50. Mrs. Bloom made a motion to approve this expense; Mr. Burkins seconded. All were in favor; motion carried.
* Lab supplies purchased from HACH, cost of $849.45. Ms. Kreiss made a motion to approve this expense; Mr. Burkins seconded. All were in favor; motion carried.
* Of note, the recent heavy rains have issued “high level alarms” at the Camelot Ct/Kings Way pumpstation. Ira suspects residents in that area have private sump pumps that are being emptied into the sanitary sewer system. Letters will be sent to those residents in that area to let them know this is not allowed.
* To date, two resumes were received for the Water/Sewer job opening. An ad will be in all the Community Couriers on Wednesday, September 5th.

1. **MAYOR’S REPORT**—Mayor Herzberger reported, at the July Commission meeting, it was suggested each Borough appoint one person to serve on a committee to rewrite the SRPD Agreement, mainly the “opt-out” provision so each member must be in for a mandatory five years. Mr. Burkins made a motion to appoint Donna Bloom to serve on the Ad Hoc Committee; Ms. Kreiss seconded. All were in favor; motion carried. Borough staff will send a letter to the Commission regarding this appointment.

Mayor also reported a draft of 2019 Police Budget is to be distributed at the September 5th Commission meeting.

1. **VICE-PRESIDENT’S REPORT**—Mr. Kurtz reported:

* Fire Police request for Barrens Soccer Club for Saturday, September 8th—Ms. Kreiss made a motion to approve this request; Mr. Ellinger seconded. All were in favor; motion carried.
* Thursday, September 27th @ 6:30p.m.—York County Borough’s Association Dinner at Wellsville Fire Company
* Stormwater Commission Meeting—Mrs. Bloom & Mr. Kurtz attended. Mrs. Bloom reported that discussion was held that a “per-household” fee will be charged for York County residents. The proposed residential rate is $48.90/year; commercial rate will depend on the square footage of the business. Farmers may be charged as much as $9/tillable acre due to them being the biggest culprit of stormwater runoff. This is all in the early stages of planning.

1. **ADJOURNMENT**—With no further business, Mr. Ellinger made a motion to adjourn the meeting @ 8:20p.m.; Ms. Kreiss seconded. All were in favor; motion carried. Meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary