**Stewartstown Borough Council**

 **Meeting Minutes**

 **Monday, November 5th, 2018**

**Members Others**

Gordon Wisnom, Sr. Craig Sharnetzka, Solicitor

Kenton Kurtz Jason Brenneman, Engineer

Roy Burkins Ira Walker, Jr., Sewer & Water

Bill Gemmill (arrived @ 7:02p.m.) Mayor Robert Herzberger

Donna Bloom Stacy Myers, Recording Sec’y

Polly Kreiss

Mike Ellinger

**Visitors**

Atty. Jeff Rehmeyer Howard Phelps, Jr. Suellen Kneller Dave Gamache Lauren Evans Earl Long

Art Comer Pam Almony Alan Dikes

Mark Raulie Peggy Raulie

1. The meeting was called to order @ 7:00p.m. All present participated in the pledge to the flag.
2. **GENERAL BUSINESS**
* Approval of Meeting Minutes—Ms. Kreiss made a motion to approve the October 1st, 2018 Meeting Minutes; Mr. Burkins seconded. All were in favor; motion carried.
* Financial Statements
	+ **General Fund—**Ms. Kreiss made a motion to approve General Fund bills paid from September 29th thru November 1st, totaling $113,913.90; Mr. Ellinger seconded. All were in favor; motion carried.
	+ **Sewer Fund—**Mr. Kurtz made a motion to approve Sewer Fund bills paid from September 29th thru November 1st, totaling $150,334.10; Ms. Kreiss seconded. All were in favor; motion carried.
	+ **Water Fund—**Mr. Burkins made a motion to approve Water Fund bills paid from September 29th thru November 1st, totaling $42,665.26; Ms. Kreiss seconded. All were in favor; motion carried.
1. **PUBLIC COMMENT/VISITORS**—The following addressed Council:
* **Attorney Jeff Rehmeyer from CGA Law Firm and representatives from Carroll Independent Fuel, LLC were present tonight to discuss 62 North Main Street (previously Shell Station).** Carroll Fuel reps included Lauren Evans (Real Estate Manager), Art Comer (Area Manager) and Howard Phelps, Jr. (Executive Vice-President). Carroll Independent Fuel has a contract on the 62 North Main Street property in hopes of closing by year-end but need the approval of Council for a Use & Occupancy Permit. This property had previously been used for retail sales of gas/diesel fuels, wholesale items & convenience food store. Carroll Independent Fuel, LLC asked that the property be viewed as a pre-existing nonconforming use; however, Wade Portner, Stewartstown Borough’s Zoning Officer had questioned this, stating the property was abandoned (no activity within the past six months). Although they agree the use has not been as robust as in the past with retail sales, Mr. Rehmeyer & Carroll Fuel reps maintain it has been in use. Mr. Rehmeyer stated the Planning Commission Chairperson had stated at their recent meeting, she had seen a wholesale delivery to the property, which have been occurring, so the use does continue. In order for the property to be considered abandoned, an active act of abandonment must have taken place; i.e. remove pumps, etc.

Mr. Phelps was introduced and stated he is a 3rd-generation employee with his grandfather starting the business as a coal company. Carroll Fuel has been working on this particular site for over a year and have had some issues with the seller (bankruptcy, etc). They do have an extension from the seller to go to December 4th, 2018. Mr. Phelps stated Carroll Independent Fuel, LLC treats customers like family and he’s very excited to bring a store to Stewartstown. Some questions that were answered:

* + Has Stewartstown Borough Planning Commission recommended approval for the Use & Occupancy Permit? *They have; at their October 16th, 2018 meeting.*
	+ Will the store remain the same as it was previously? *It will remain as a retail, convenience store site with fuel/gas sales. The name will be changed to Carroll Motor Fuel.*
	+ How active does Carroll Fuel get when they have stores in a certain area? Is there community involvement? *Mr. Phelps stated they hold golf tournaments to raise money for certain organizations and charities & they sponsor baseball teams as well as other events.*
	+ How many stores are there? *Currently, there are 48-High’s, 85-Carroll Fuel gas stations and 100+ of other stores such as BP, Crown, Sunoco, etc. There are 265 sites total.*
	+ Will there be alcohol served at the 62 North Main Street store? *No.*
	+ How many people will be employed at that site? *Probably 6 employees + delivery drivers, approx. 18 total employees.*
	+ What will the store hours be at that location? *It will be open 18hrs/day, probably 6am-midnight.*
	+ Will there be any changes to the footprint of the building? *Structurally, it will remain the same, but the outside will be “spruced up”.*
	+ Are there currently or will there be cameras in the store? *Current in-store cameras will be upgraded, and cameras will be added to the fuel canopies too.*
	+ What is the status of the monitoring wells at the 62 North Main Street site? *Mr. Phelps stated a Phase I & Phase II environmental study has been completed and came back as clean and has been reported/recorded as such.*
	+ Do they conduct after-hour deliveries, if necessary, to the fire department? *Yes, they currently do that in Baltimore & Hartford Counties.*

As Carroll Fuel is taking the position that the preexisting nonconforming use has continued, Mr. Rehmeyer said they’re looking for Council to authorize this as replacement under the Zoning Ordinance Section 707B-I, but the use will be the same (same use, same buildings, same layout) just a different brand. Planning Commission unanimously recommended approval in coming before Council.

Mr. Kurtz made a motion to authorize & direct the Zoning Officer to issue a Use Permit for the non-conforming use as requested by Carroll Independent Fuel, LLC. Mrs. Bloom seconded. All were in favor; motion carried.

Carroll Fuel reps hope to have this store up & running within 4-6 weeks, before Christmas.

* **Robert Bowers—7 Redspire Lane**—was not present tonight but has expressed interest in serving on the Sewer & Water Authority. Mr. Kurtz made a motion recommending Mr. Bowers to serve on the Authority; Mr. Ellinger seconded. All were in favor; motion carried.
* **HARP representatives, Suellen Kneller & Alan Dikes were present to discuss the 2019 Budget.** Ms. Kneller distributed their proposed 2019 budget showing the 2018 contributions from the four municipalities and what is being proposed for 2019. Last year, HARP had requested an increase in the contributions from the municipalities; however, the increase was not enough to increase their office help/staff. HARP has built money in their budget to hire a part-time office person for 8-10 hrs/week (or more, if possible) as there is too much work for volunteers who donate their time, especially those who also work full-time jobs.

HARP Board is stretched thin between office work, projects, upkeep of the facilities, etc. They wanted to hold a workshop between the four municipalities, getting a candidate from each to work together to discuss percentages & donations from each municipality.

HARP did receive a grant recently to help update their policies & procedures. They learned they are a perfect candidate to get a full-time Recreation & Parks Grant; however, over a 4-year period, the person must be a qualified, experienced Rec & Parks person & money must be raised to hire this person.

Recreation fees that are paid for new housing developments, etc. used to only be used for capital expenditures, not operating costs. Mr. Sharnetzka stated he believed this was changed & that Rec fees may now be used for operational & maintenance costs (not salaries), but he will look into it. The cell tower rent that HARP receives is under an agreement with Hopewell Township, so that cannot be used for operational expenses.

HARP currently does not charge anything to use their fields, not to the ball teams, not for use of the concession stand, or for any of the facilities. If they started charging for field use, they could raise some money for maintenance & operational expenses. Mrs. Kneller hoped that by forming the workshop committee between the four municipalities, all of this can be discussed.

Mr. Ellinger made a motion to approve a $900/year increase to HARP, beginning in 2019. This will make Stewartstown Borough’s yearly contribution $17,968. Mr. Gemmill seconded. All were in favor; motion carried. Mr. Ellinger said Mrs. Kneller should let him know the dates for the workshop; he may be willing to serve representing Stewartstown Borough.

1. **SOLICITOR’S REPORT**—Mr. Sharnetzka reported:
* Blighted property update
	+ 37 & 38 West Pennsylvania have been cleared/cleaned—office staff will monitor
	+ 4 North Main—trash/rubbish has been removed from the rear of the property
	+ 24 South Main—tenants have moved out; water has been shut off for non-payment. Property scheduled for Sheriff Sale on December 2nd, 2018.
	+ Wierman Plumbing property (both High Street & behind 52-54 North Main)—Because numerous complaints were received about both properties, Council requested office staff send a certified letter citing the Nuisance Ordinance, Section 2. Council requested 15 days be given from receipt date of letter (per Ordinance) to remove all junked appliances. Wording will also be included in the letter that the Borough will contract someone to clean up both properties if not done so within the given time and the Wierman’s will be billed for the cleanup.
	+ 16 North Main Street—office staff to send certified letter about tall grass/weeds.
* The Tax Ordinance will be advertised & presented to Council for action at their December meeting. For 2019, the millage rate will remain at 2.85.
* Council recessed to Executive Session @ 8:07p.m. Council reconvened @ 8:15p.m. No decisions were made.
1. **ENGINEER’S REPORT**—Jason Brenneman reported:
* Stormsewer project is progressing
* Discussion will be held at the Authority meeting (Nov. 14th) regarding specifications on backfill material. Jason & Ira had discussed this and believe the Spec Book should be updated to simplify the language for construction projects.
1. **SEWER/WATER SUPERVISOR REPORT**—Ira Walker, Jr. submitted his report, which will be on file with these Meeting Minutes. Council approved the following expenses:
* 16 College Avenue water leak—Manifold Excavating assisted at a cost of $410; stone was purchased from York Building Products at a cost of $431.30. Mr. Kurtz made a motion to approve these expenses: Mr. Burkins seconded. All were in favor; motion carried.
* Radio inside the control box at Well House #5 (Hollow Rd) replaced by Control Systems 21 for a cost of $1,721. Ms. Kreiss made a motion to approve this expense; Mrs. Bloom seconded. All were in favor; motion carried.
* Sewer issue at 18 Charles Avenue—Manifold Excavating assisted with replacing sewer pipe at a cost of $410; WW Gemmill Plumbing & Heating also assisted at a cost of $1,485. Mrs. Bloom made a motion to approve these expenses; Mr. Kurtz seconded. All were in favor; motion carried, with Mr. Gemmill abstaining.
* Level transducer for Tank #2 (at sewer plant)—Control Systems 21, troubleshooting & repairing the issue, at a cost of $1,594.73. Mrs. Bloom made a motion to approve this expense; Ms. Kreiss seconded. All were in favor; motion carried.
* New cement pad for the new bar screen at the sewer plant, installed by REL Concrete at a cost of $2,900. Mrs. Bloom made a motion to approve this expense; Mr. Burkins seconded. All were in favor; motion carried.
* Upgraded interior/exterior lighting at the sewer plant by Dorn Electric at a cost of $1,300. Mr. Gemmill made a motion to approve this expense; Mr. Kurtz seconded. All were in favor; motion carried.
* Lab supplies purchased from Hach Company at a cost of $255.93. Ms. Kreiss made a motion to approve this expense; Mrs. Bloom seconded. All were in favor; motion carried.
1. **MAYOR/POLICE REPORT**—Mayor Herzberger reported from the most recent Police Commission meeting that Glen Rock Borough did not approve the 2019 proposed Police Budget. There is some talk about them dropping out of the agreement unless another method of calculating costs can be followed. They may ask for a variation of purchased PPU’s, but this is definite right now. The next Commission meeting is scheduled for Wed, November 7th.
2. **TREASURER’S REPORT**—Stacy Myers reported:
* People’s Bank credit card has been received for Borough use.
* Borough Office will be closed on November 12th (Veterans Day holiday) and November 22nd & 23rd (Thanksgiving holiday).
* Tenant of 6 North Main, Apt. D has given a 30-day notice that she plans to move out by December 1st, 2018. A final bill for water, sewer & trash will be calculated for her to pay.
* Office staff will advertise the 2019 Budget; it will be available for public viewing.
1. **ADJOURNMENT**—with no further business, Mr. Kurtz made a motion to adjourn the meeting @ 8:30p.m. Ms. Kreiss seconded. All were in favor; motion carried.

Respectfully submitted by:

Stacy Myers, Recording Secretary