

Stewartstown Borough Council
Meeting Minutes
Monday, April 5th, 2021

Members present

Polly Kreiss
Brittany Barnette
Donna Bloom
Pam Almon
Roy Burkins
Bill Gemmill
Gordon Wisnom, Sr.

Others present

Mayor Kenton Kurtz
Craig Sharnetzka, Solicitor
Jason Brenneman, Engineer
Ira Walker, Jr. Sewer/Water
Stacy Myers, Recording Sec'y

Visitors

Linda Miller
Kim Carl
Dana Thompson

David Elwell
John Ogden

Barbara Ziegler
C.J. Thompson

1. The meeting was called to order @ 7:00p.m. followed by the pledge to the flag.
2. **Visitors & Public Comment**—the following were present to address Council:
 - **Barbara Ziegler, from 15 Springwood Avenue** was present with her attorney, John Ogden to discuss a stormwater problem in the rear of her property. He distributed pictures & information on the property which included the deed dated 1976. The deed shows the Borough's easement they took to install a storm pipe on the property. Mr. Ogden said there are several storm drains along Springwood Avenue that feed into this pipe which is approx. 18" wide. The pipe then extends down off Springwood into Ms. Ziegler's backyard. The pipe was, at one time, covered; however, because of stormwater, erosion, etc., the rocks placed there to divert rainwater are now submersed & Ms. Ziegler's yard has mostly been washed out. A day or two after a rainstorm, there is still typically 12-18" of standing water in the backyard, which will attract insects, mosquitoes, etc. Mr. Ogden said this issue makes Ms. Ziegler's backyard unusable, as well as a nuisance for her neighbors. As warmer weather approaches, Ms. Ziegler fears the insect problem will get worse. Mr. Ogden is hoping Council & Jason Brenneman could come to a solution for the problem.
Mr. Wisnom said the main reason for this problem is that PennDOT runs stormwater off Rt. 24, down Springwood. This issue, along with possible solutions has been discussed before. There is a ditch next to Eureka Fire Company that water goes into & Riprap was to be installed to divert stormwater.
Mr. Ogden said the pipe is now sticking up & he said the original plan shows it was to be underground. A possible solution could be for the pipe to be extended, then lowered so it's past Ms. Ziegler's property line; however, this would divert it onto someone else's property. Another problem is there isn't much slope behind those homes. It's fairly flat so it becomes marshy after a rainstorm & Mr. Ogden stated, all the water seems to collect behind Ms. Ziegler's property.
 - **C.J. & Dana Thompson (17 Springwood Avenue)** said, although it was supposed to be, the Riprap was never installed to help divert the water. Ira Walker, Jr. said a path was to be made in that area for Borough staff to install the Riprap, but they were never called to do so. C.J. said approximately 5-6 years ago, Aaron Manifold cut a swale in at his property & also at 15 Springwood, but since then, with the amount of stormwater & silt received, 15 Springwood (Ziegler) is now basically flat. He wondered if installing a 3' plastic pipe in that ditch to run to Scarborough Fare would help divert the stormwater to the stream. This will also be researched as a possible solution.

C.J. stated the resident at 23 Springwood has also experienced problems with stormwater, having 2 small bridges washed out over the years.

- **Borough Engineer Jason Brenneman** said the water coming from Springwood & High had been discussed a few years ago and solutions were reviewed such as revising the catch basin; however, one of the property owners in that area never provided an easement for the work to be done.

Jason reviewed the old subdivision plan from 1990 that created this lot. The plan shows the pipe across Springwood Avenue that extends to the right-of-way and shows a ditch that extends behind a proposed dwelling and an “end of ditch”. Jason said there is a note on the plan stating, *“at time of building permit, a detailed site plan will be required showing how construction will affect the existing drainage swale and what affects, if any, or what changes will be required to meet the existing Borough Zoning & Subdivision Ordinances.”*

Basically, it appears that, at the time 15 Springwood was constructed, the pipe was extended & not the ditch, but it was there before the house was built.

Ms. Ziegler said there seems to be more stormwater coming through that area & with a lot of force too. The firehouse was built in 1982 & with stormwater runoff from their parking lot, as well as the Elementary School’s lot across Rt. 24, there is a lot more water coming down that ditch than in years past.

Mr. Ogden had an Engineer review the area & provide some solutions and he can work with Jason Brenneman and Craig Sharnetzka, if necessary to review the solutions prior to bringing them to Council. Mr. Sharnetzka said the deed references a 20’ wide right-of-way from High Street to the premises and states it was conveyed to the Stewartstown Borough Authority with an easement in 1973. He said that is, most likely not associated with stormwater.

Mr. Ogden said the longer the issue goes unresolved, the worse it’s going to get. He will be in touch with Jason Brenneman and/or Craig Sharnetzka to discuss solutions.

- **Kimberly Carl (17 Chantilear Ct.)** was present to introduce herself, as she is running for a seat on Borough Council in the Primary Election. She stated the reason she’s running is she realized people can’t/shouldn’t complain about things or how they’re handled if they’re not willing to step up & help find a solution.

3. General Business

- **Approval of Meeting Minutes**—Ms. Almony made a motion to approve the March 1st, 2021 Meeting Minutes; Mrs. Barnette seconded. All were in favor; motion carried.
- **Approval of Financial Statements**
 - **General Funds**—Ms. Kreiss made a motion to approve General Fund bills dated Feb 27th thru March 31st, 2021 totaling \$20,261.15; Mrs. Bloom seconded. All were in favor; motion carried.
 - **Sewer Funds**—Mrs. Bloom made a motion to approve Sewer Fund bills dated Feb 27th thru March 31st, 2021 totaling \$53,944.96; Mrs. Barnette seconded. All were in favor; motion carried.
 - **Water Funds**—Mrs. Bloom made a motion to approve Water Fund bills dated Feb 27th thru March 31st, 2021 totaling \$48,215.85; Ms. Almony seconded. All were in favor; motion carried.

4. Engineer’s Report—Jason Brenneman reported the following:

- **George Street Townhouses**—Jason received a revised plan showing sewer & water services that were installed. He reviewed everything & provided the developer a punchlist of items that need to be addressed yet. Once that’s done, Borough Council can sign the plan. Craig is preparing the Developer’s Agreement that includes the developer contributing to the final overlay on George Street.
- **Cloverfield**—submitted two public surety reductions requests which were reviewed by Jason, Dennis Sarpen & Ira. Prior to the developer’s doing a topcoat on the roads, Jason,

Ira (& anyone else wishing to join) will walk the site to verify all punchlist items have been addressed, i.e., sidewalk cracks, curbs, inlets, etc. Once all items are addressed & final topcoat is laid on the streets, all paperwork will be submitted for street adoption.

- **Phase 1 request** is for \$1,035,300, leaving surety in the amount of \$182,700 until all work is completed & roads are officially adopted. Ms. Almony made a motion to approve the surety reduction in the amount of \$1,035,300; Mr. Burkins seconded. All were in favor; motion carried.
- **Phase 2 request** is for \$984,276.33, leaving surety in the amount of \$267,517.67. Ms. Almony made a motion to approve the surety reduction in the amount of \$984,276.33; Ms. Kreiss seconded. Motion carried, with Mrs. Bloom opposing.

The Borough's agreement with Cloverfield indicates that once improvements are done & the engineer signs off on them, Borough Council will reduce the amount of surety. Jason has signed off on most of the work the developer requested, except clean-out covers, topcoat of roadways, unfinished sidewalks, stormwater basin conversion, rain garden construction & all public improvements not installed to this point.

Mayor Kurtz asked if no fence is required around the retention ponds in the Cloverfield development because currently, there is water in them which he views as dangerous.

Jason said they are currently in the Erosion Control mode & York County Conservation District requires a permanent pool there to hold sediment. Once the retention pond is converted to the permanent stormwater basin, Jason believes it should drain completely so there is no standing water.

Jason believes only one of the retention ponds will remain once the development is complete.

- **Street work**—Jason named Chantilear Court & two other minor projects to be completed this year that were suggested by Ira. Jason has looked at Springwood Avenue & Fulton Avenue and, while they're not in horrible condition, they are 2 streets that need attention. High Street & Free Street have several potholes that need repaired too, but Council would like to wait until Cloverfield construction is complete before repairing & paving High Street. Milling & repairing the potholes temporarily can be added to Jason's list.

He suggested meeting with the Streets & Roads Committee to create a 3-5-year road project list.

- **Sidewalk repair/Grant money available**—Mrs. Bloom discussed this issue with Tom Metz and asked if Jason knew of any grant money available for sidewalk repair/replacement. Jason knows of a few programs; however, while some like CDBG money can be used for curb & sidewalk, it's for low-to-moderate income households and Stewartstown doesn't fall within those requirements. There is a Growing Greener Grant too, which can be researched to see what it entails. Mrs. Bloom will do so & report back to Council.

5. **Solicitor's Report**—Craig Sharnetzka reported the following:

- **Theater update**—Craig told Leon Haller (Bankruptcy Trustee) that the Borough wishes to move forward with buying the theater. On 3/16/21, Mr. Haller filed the motion with the court to confirm Stewartstown Borough is the backup auction buyer with a bid amount of \$21,250. On 3/19/21, the Judge signed the order for the Borough to purchase & move forward. Craig said because of the pending litigation related to the conversion from Chapter 13 to Chapter 7 bankruptcy, the first bidder couldn't obtain title insurance. Craig said, although a minimal risk, it's still a risk that an objection will occur to convert it to Chapter 7.
The Borough's insurance carrier confirmed we'll be unable to obtain title insurance on the theater unless all judgements are settled.
Council is amenable to moving forward & getting a date for settlement.
- **43 Church Street (Higgins)**—not much change since last month. Mr. Wisnom said the disabled silver car is still on the property & now has items stored inside of it. He offered to

- remove the car for the Higgins' so they can get some money for it, but they declined. He also believes they could do a better job cleaning up the property. Craig will send another notice.
- **61 N. Main Street**—In January, Craig sent a letter regarding the car sitting in the front yard that appeared to be disabled & advised it should be removed or stored. He received a call from Josephine Messina (property owner) and also the tenant, stating the vehicle is operable, they run it and it has antique tags, so it is legal for the road. Council can ask SRPD to run the tags on it to confirm this information.
 - **Street Opening Ordinance 2021-02**—regarding a contractor or utility making street cuts, required permitting and the criteria for temporary & permanent street restoration. This has now been advertised & is ready for Council's action. Mr. Gemmill made a motion to approve Ordinance 2021-02; Mrs. Bloom seconded. All were in favor; motion carried.
 - **Draft Nuisance Ordinance w/revisions**—revisions include 1) the use of consumer fireworks as a nuisance after 10pm & before 7am, 2) typographical error in Section 3 and 3) changing the notice provision so notices may be sent regular & certified mail.
Mrs. Bloom made a motion to advertise the draft Nuisance Ordinance with the revisions; Mrs. Barnette seconded. All were in favor; motion carried.
 - **Developer's Agreement for George Street townhomes**—this has been drafted & signed by the developer. It includes agreement from the developer to contribute \$8,000 in lieu of making his trench repairs. Mr. Burkins made a motion to approve & authorize the signing of the agreement; Ms. Almony seconded. All were in favor; motion carried.
 - **Taras Vizzi (24 S. Main Street) correspondence**—Craig has been emailing the resident back & forth concerning Mr. Vizzi's concerns about speeding, suggesting a traffic study be done & installing speed bumps, deteriorating sidewalks in town & his suggestion of a traffic light at Broadway & Main, etc. Craig will invite Mr. Vizzi to attend the next Council meeting so Council can address his concerns in person rather than via email.
 - **Transfer of a Liquor License for Rutter's (76 N. Main St)**—Rutter's has a liquor license they purchased in Springetsbury Township & would like to transfer it to their store at 76 N. Main Street. Their request was received on March 19th & the Borough has 45 days to hold a hearing which falls on May 3rd, the night of Borough Council's meeting. The Public Hearing will be held that night at the opening of the meeting. The hearing must be advertised, and Rutter's has confirmed they will pay for all involved costs. The Borough will pass a Resolution related to the transfer.
Council questioned if the distance between that Rutter's and the elementary school meets the requirements to hold a liquor license; however, Craig said that's the determination of the State and the LCB, not the Borough. Borough Council can ask that question, but ultimately it's the LCB's decision.
Mr. Burkins made a motion to advertise for the Public Hearing to be held Monday, May 3rd, 2021; Mrs. Bloom seconded. All were in favor; motion carried.
 - **Under the American Rescue Plan Act of 2021**, there is monies that will trickle down to Pennsylvania municipalities. Stewartstown Borough is proposed to receive \$224,035; however, the monies can only be spent on certain things, such as infrastructure, sidewalks, stormwater, etc. It's uncertain when those monies will be received.
6. **Sewer/Water Supervisor Report**—Ira Walker, Jr. presented his report. All expenses have been or will be presented to the Authority for approval.
 7. **Mayor's Report**—Mayor Kurtz reported:
 - Stewartstown Borough has been reimbursed \$24,664 for excesses in the 2019 SRPD Budget. Another reimbursement is expected from their 2020 Budget.
 - Enforcement totals for the period of January 31st thru February 27th, 2021 were:
 - 8 traffic citations
 - 22 warnings and/or 5-day cards

- 1 summary arrest
 - 4 parking tickets
 - 1 criminal arrest
 - Final 2020 Budget for Southern Regional Police Department was \$2,154,461
 - Beginning the 3rd week of May through July 4th, 2021, Mason Dixon Library & Stewartstown American Legion are holding a Patriotic Decorating Contest, encompassing all the library's coverage area. The Borough Office will have registration forms for those interested in participating.
8. **President/Vice-President Report**—Mr. Gemmill & Mr. Wisnom reported:
- Railroad crossings in the Borough are in terrible disrepair. He contacted Rhinehart Railroad in Fallston, MD to get an approx. cost for repair. They quoted an approximate cost of \$2,000/ft. to repair with a material that makes the crossing smooth. He distributed pictures of repairs completed by Rhinehart.
He also contacted Omega, the manufacturer of such a material & they quoted approx. \$220/lineal ft. for the material.
Stewartstown Railroad doesn't have any money to do the repairs, but Mr. Gemmill thinks the Borough should research repair options/solutions because the RR crossings, especially the one on Mill Street continues to deteriorate and other repairs have only been temporary.
Linda Miller, Treasurer of the Stewartstown Railroad was present tonight & invited Council members to attend the Railroad meeting this Saturday, April 10th @ 9:30am at their building on E. Pennsylvania (old Santander Bank). Solutions can be discussed, then costs & options can be gathered.
It was stated that, in the past, the PUC regulated the railroad crossings & it was unknown whether or not the Borough would be allowed to complete the repairs. This will be researched too.
 - House traps, according to the IRC (International Plumbing Code) are illegal with several states banning them. With new housing developments in the Borough, he wanted to bring it to the attention of the sewer & water department, although those traps have been used for years. The Borough has adopted the State Code; Mr. Gemmill was referencing the International Code.
 - Tracy Baldwin's resignation (his last day of employment was March 19th)—Mrs. Bloom made a motion to accept Mr. Baldwin's resignation; Mr. Gemmill seconded. All were in favor; motion carried.
 - Personnel Committee is making a recommendation to hire Felicia Markline for the Sewer & Water Department. Ms. Almon made a motion to hire Ms. Markline @ 18/hr. beginning May 3rd. Mrs. Bloom seconded. All were in favor; motion carried.
 - Another employee, a student graduating from Thaddeus Stevens in May is also recommended for hire. Jonathan will be hired for the Sewer & Water Department, beginning May 19th.
 - Fire Police approval for the following events:
 - July 3rd Fireworks at HARP Fairgrounds
 - July 19th thru July 24th—Eureka Firemen's Carnival
 - July 24th—Eureka Firemen's Parade
 - June 5th—2021 Kennard Dale Graduate Parade through townMrs. Bloom made a motion to approve the above events; Ms. Almon seconded. All were in favor; motion carried.
9. **Treasurer's Report**—Stacy Myers reported the Bond refinance settlement was held today & is now complete.
10. **Adjournment**—With no further business before Council, Mrs. Bloom made a motion to adjourn the meeting @ 8:40p.m. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary

