

**Stewartstown Borough Council
Meeting Minutes
Monday, December 3rd, 2018**

Members

Gordon Wisnom, Sr.
Kenton Kurtz
Bill Gemmill
Roy Burkins
Polly Kreiss
Donna Bloom
Mike Ellinger

Others

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

Visitors

Earl Long
Dave Stampler
Mark Raulie

1. The meeting was called to order @ 7:05p.m. Everyone present participated in the pledge to the flag.
2. **GENERAL BUSINESS**
 - Approval of Meeting Minutes—Mrs. Bloom made a motion to approve the November 5th, 2018 Meeting Minutes; Ms. Kreiss seconded. All were in favor; motion carried.
 - Approval of Financial Statements
 - **General Funds**—Ms. Kreiss made a motion to approve General Fund bills paid from November 2nd thru November 30th, totaling \$12,176.15; Mr. Burkins seconded. All were in favor; motion carried.
 - **Sewer Funds**—Mrs. Bloom made a motion to approve Sewer Fund bills paid from November 2nd thru November 30th, totaling \$44,125.35; Mr. Burkins seconded. All were in favor; motion carried.
 - **Water Funds**—Mrs. Bloom made a motion to approve Water Fund bills paid from November 2nd thru November 30th, totaling \$32,763.89; Mr. Kurtz seconded. All were in favor; motion carried.
3. **PUBLIC COMMENT/VISITORS**—Dave Stampler was present to discuss the possibility of making Memory Lane a one-way street from Main Street to High Street in an effort to cut down on traffic and motorists taking a shortcut to Main Street. Residents living along Memory Lane (& at both ends on High Street & Main Street) believe there may be an increase in traffic flow once more residents move into the new Cloverfield development and look for a shortcut to & from Main Street. Mr. Sharnetzka stated in order for the Borough to change Memory Lane to a one-way street, install signage and enforce it, a traffic study would need done & an Ordinance passed. York County Planning Commission no longer conducts traffic studies, but there are other outfits (TRG in York) that conduct them. Council agreed that this idea would be revisited if those area residents see the influx in traffic becoming a problem.
4. **SOLICITOR'S REPORT**—Craig Sharnetzka reported:
 - Nuisance Ordinance complaint against Wierman Plumbing (32 High Street & North Main Street properties)—deadline for cleanup of discarded appliances & junked items was 11/26/18, but the office staff was notified on 11/27 that 2 loads of junk were removed from the High Street property and Wierman's are planning to remove 2-3 more loads. Mr. Gemmill made a motion allowing more time for Wierman's to clean up both properties; Mr. Burkins seconded. Discussion was held; other Council members thought enough time had

already been given for the cleanup and if they offer more time, that sets a precedence for other Nuisance Ordinance violations. No vote was taken on that motion.

Mrs. Bloom made a motion to allow Mr. Wierman a 2-week extension with the understanding that substantial progress must be made with the cleanup; Mr. Ellinger seconded. A vote was taken, but the motion was denied (3-4) with Mr. Burkins, Mr. Kurtz, Mr. Wisnom & Mr. Gemmill opposing.

Mr. Kurtz made a motion allowing a time extension until the next Council meeting, Monday, January 7th, 2019; Mr. Burkins seconded. All were in favor; motion carried. Office staff will write a letter to Mr. Wierman with this decision, also noting that no further time extensions will be given. If both properties are not cleaned up by January 7th, the Borough will move forward with cleanup & bill Mr. Wierman for all incurred expenses.

- Office staff will send a letter to 20 North Main Street for an Ordinance violation—unregistered, uncovered vehicle(s).
- Shank matter has now been finalized by Court Order. Craig told the Solicitor that Stewartstown would not sign the agreement because the agreement insisted there be a confidentiality non-disclosure provision and a penalty if there was. Stewartstown had already been dismissed & there was no liability, so why create some where there was none? The agreement was not signed, but the Order was entered & the action is now over.
- Craig distributed this year's Christmas gifts to Borough Council & staff from CGA Law Firm.
- Movie theater at 3 South Main Street—discussion was held about the condition of it. Years ago, the Borough hired a structural engineer who deemed the property sound. Sometime later, the owner (Bill Neal), had a structural engineer deem the property sound, as well. Council & some residents would like something done with the property, as it's falling in disrepair. Is there something Council can do? Hire another structural engineer? Craig stated there is a "dangerous building" provision in the Nuisance Ordinance which states "*if the place is owned or occupied to remain in such a condition as to be in a state of disrepair or to present such conditions to be dangerous or hazardous to the public in any way.*" It goes on to list factors to deem a property "dangerous or hazardous"; i.e. proximity to municipal streets/alleys, proximity to adjacent occupied properties, can be easily accessed by children, etc.

Craig & the Zoning Officer had visited the property two years ago, at which time, there were some fallen shingles, but the property was secure, and no one could get inside. Some of the current issues (more fallen shingles, hole in roof) are maintenance issues and the Borough does not have a Property Maintenance Code. If the property owner is failing the parameters of this Ordinance, he's in violation of the Ordinance and no structural engineer is needed. The Zoning Officer (or Borough Office) can move forward with issuing citations.

To have the building condemned would be under the Uniform Construction Code and Craig can review the UCC further to inform Council of his findings.

Since the Sewer & Water Authority has liens against 3 South Main for unpaid water, sewer & trash, Craig suggested executing on the liens and take the property to sale in order to get rid of it. Office staff will notify the Authority Solicitor about the liens & tonight's discussion.

5. **ENGINEER'S REPORT**—Jason Brenneman reported the following:

- West Pennsylvania Avenue project—the survey has been done at the alley and 26 W. Pennsylvania property and will be given to Ben Orlando (property owner) for his review before we move forward with an Easement Agreement. This project is set for a bid opening/start date in February/March 2019.
- Bronson Avenue sewer line replacement project is scheduled for spring 2019.
- Bar screen at the Sewer Plant—this is being replaced with a spiral screen which Jason stated is to be delivered within the next two weeks but the permit from DEP will not be received by

then. The shop drawings were submitted to DEP on 8/16/18 and it took over a month for them to review. DEP returned comments with a less-than-two-day deadline for the Borough to address the issues. It was submitted within those two days, but DEP still had some issues after they took 2-3 weeks to review it the second time. This time DEP gave a 24-hour deadline, which we conformed to. On 10/16/18, DEP deemed the permit administratively complete but just two weeks ago, the permit was still not received, despite phone calls & emails not being returned. Jason finally received a phone call from the DEP rep today (12/3) who stated the target date for the permit is 2/20/2019.

Jason does not foresee any issues with the review of the permit; however, his office must recommend the permit be issued by DEP before the spiral screen is installed. There are issues at the sewer plant that require this spiral screen in order to resolve them. These communication issues with DEP, especially this particular DEP representative, have delayed the process. Council members suggested contacting a “higher-up” representative or a politician to see if there is a way to speed up this process and to get the necessary permit faster.

6. **SEWER/WATER SUPERVISOR REPORT**—Ira Walker, Jr., distributed his report which will be on file with these Meeting Minutes. Council approved the following expense:
 - Two repair kits for the curb box cleaner tool were purchased from L & B Water for a cost of \$167.86. Mr. Kurtz made a motion to approve this expense; Mrs. Bloom seconded. All were in favor; motion carried.

7. **MAYOR/POLICE REPORT**—Mayor Herzberger reported that Glen Rock had voted in October to freeze the budget @ the 2018 level because they weren’t satisfied with the amount of projected increases for their borough. At their November meeting, the Commission approved a presentation to Glen Rock Borough. This information was presented tonight for Council’s review which included the formula used to distribute PPU’s based upon activity. According to the formula, it required Glen Rock to purchase 6.51 PPU’s. To maintain 24/7 coverage, the Commission must hire enough officers to generate enough PPU’s; then the hours get distributed to the municipalities. Rather than Glen Rock having 6.51 PPU’s, the formula states they should purchase 8.25 PPU, but Glen Rock disagreed. They agreed to meet in the middle & purchase 7.75. This creates an approx. \$30,000 reduction in Glen Rock’s share of expenses, which the Commission believes this implies the overall expenses must drop approx. \$175,000. This would mean substantial cuts to the budget & most likely, staff cuts. The 24/7 coverage would not be obtainable.

The 2nd option would be for the other members to pick up Glen Rock’s share & pay more than they need. Council members do not want to do that, and the Mayor doesn’t suggest this option. He believes before Stewartstown agrees to pay their share (9.65 PPU’s), then all the members should pay their fair share, of what was agreed upon when the budget was presented. The next Commission meeting is Wednesday, December 5th and the Mayor stated other options should be discussed then. Of note, Glen Rock cannot get out of the contract until 2020.

In 2016, Stewartstown Borough was paying \$462,000/year for Police services; currently we’re paying \$371,000. This is a result of the “buy-in” being paid off and the more accurate reflection of Police activity in our borough.

Mr. Kurtz made a motion for Stewartstown Borough to pay the amount agreed upon per the contract; Mrs. Bloom seconded. All were in favor; motion carried.

8. **TREASURER’S REPORT**—none
9. **PRESIDENT/VICE-PRESIDENT REPORT**—Mr. Wisnom reported the following:
 - **Ordinance 2018-3**—reenacting the tax rate of 2.85mils—Mr. Burkins made a motion to approve this Ordinance; Mr. Kurtz seconded. All were in favor; motion carried.
 - **Resolution 2018-5**—reappointing Stacy Myers as Borough Treasurer for 2019. Mr. Kurtz made a motion to adopt this Resolution; Ms. Kreiss seconded. All were in favor; motion carried.

- **Resolution 2018-6**—reappointing Melissa Matthews as Borough Secretary for 2019. Mr. Gemmill made a motion to adopt this Resolution; Mrs. Bloom seconded. All were in favor; motion carried.
 - **Resolution 2018-7**—continuing to provide a Municipal Pension Plan for 2019. Mr. Kurtz made a motion to adopt this Resolution; Mr. Burkins seconded. All were in favor; motion carried.
 - **Borough Engineer for 2019**—Mrs. Bloom made a motion to reappoint James R. Holley; Ms. Kreiss seconded. All were in favor; motion carried.
 - **Borough Solicitor for 2019**—Mr. Burkins made a motion to reappoint CGA Law Firm; Ms. Kreiss seconded. All were in favor; motion carried.
 - **Zoning/Building Code Official for 2019**—Mr. Kurtz made a motion to reappoint New Freedom Borough; Mr. Ellinger seconded. All were in favor; motion carried.
 - **Borough Auditor for 2019**—Mr. Ellinger made a motion to reappoint Baker, Tilly, Virchow & Krause to conduct the 2018 Audit; Mrs. Bloom seconded. All were in favor; motion carried.
 - **2019 Budget**—Mrs. Bloom made a motion to approve the 2019 Budget; Ms. Kreiss seconded. All were in favor; motion carried.
 - **ZHB reappointment**—Mrs. Bloom made a motion to reappoint Doug Plasterer to the Zoning Hearing Board for a term of 1/1/2019 to 12/31/2021. Mr. Burkins seconded. All were in favor; motion carried.
 - **Planning Commission reappointment**—Mr. Ellinger made a motion to reappoint Terrell Turner to the Planning Commission for a term of 1/1/2019 to 12/31/2022. Ms. Kreiss seconded. All were in favor; motion carried.
10. **ADJOURNMENT**—With no further business before Council, Mr. Ellinger made a motion to adjourn the meeting @ 8:20p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary