

**Stewartstown Borough Council
Meeting Minutes
Monday, December 6th, 2021**

Members present

Polly Kreiss
Donna Bloom
Brittany Barnette
Pam Almony
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
Holly Bell
Charlie Wierman

Genie Wisnom
David Elwell
Tom Stifler

Jason Roberts
Taras Vizzi
Felicia Markline

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:
 - Tom Stifler (20 Trout Lane) & his Amish neighbor who lives to the rear of him were present to discuss an ongoing issue they're having with Hopewell Township. Mr. Stifler was at Stewartstown's May 3rd, 2021 Council meeting to discuss this same issue in that the Township denied Mr. Stifler's Amish neighbor a building permit until his portion of the driveway (in Hopewell Township) is developed & upgraded to a full-size paved roadway with curbing & storm drains. Mr. Stifler's home sits on 14 acres, all of which is in Stewartstown Borough, while his neighbor's property (also part of the previous Herzberger 110-acres that was subdivided in 2016) is in Hopewell Township. The right-of-way access to the 100+acres is also in the Township & both properties are served by a gravel lane/driveway that the Township is requiring to be improved to a "Township-road" standard. When Mr. Stifler was at the May meeting, he requested Borough Council send a letter to the Township stating the Borough was in agreement with keeping the driveway as is, meaning, to remain gravel with the provision that Mr. Stifler's 2 lots do not get built on. Mr. Stifler has 4 development rights for his 14 acres; his Amish neighbor has 8 development rights for his 100+ acres, on which he'd like to build a farmhouse & barn. The Township basically dismissed the Borough's letter stating that the rules of the Subdivision Agreement state that the right-of-way egress to the Stifler property & the property to the rear must be brought up to Township road standards, as declared in the Subdivision Plans. The Easement Agreement that Mr. Stifler has states that whenever that lot is upgraded the owner shall have the right to upgrade. Mr. Stifler & his neighbor asked if the Township can decide what must be done with a road in the Borough, meaning the whole ROW that's in the Borough? He & his neighbor believe the reason the requirement for road development was included in the Easement Agreement as "the owner shall have the right to construct the driveway the way they want" is because Lot 2 is all the way in the back of the property & that property owner would be using the whole driveway. If the resident(s) in the front (Stifler) constructed the driveway the way he wanted, how would that appease the owner of Lot 2? Neither Mr. Stifler nor his neighbor want to put any more homes on the lots, but the Township is wondering about future homeowners & what would happen then. Mr. Sharnetzka had assisted Robert Herzberger in 2016 when he was subdividing a portion of the property & said in order to get the plan approved by the Township, the Township required

a note on the plan that stated, “if you want to improve Lot 2, the road needs to be brought up to Township standards”. Anyone purchasing that lot in the future would see that note & know they must comply with Township standards.

Mr. Sharnetzka stated that since there’s no road frontage per their Ordinance, the owner must do the improvements. Is the Township’s requirement in their Zoning Ordinance or their Subdivision Land Ordinance? If in the ZO, the gentlemen could request a Variance; if in the SALDO, they could request a Waiver. Mr. Sharnetzka said those are their only two choices as the Township was insistent that the note was on the SLD Plan & they’re still consistent in their statement.

Because of no road frontage, the Township is requiring the road that the Amish man’s property will front on will be a Township road.

The Amish gentleman questioned whether building 1 farmhouse & 1 barn was considered a “development”. Mr. Sharnetzka believed the note on the SLD Plan states “habitable dwelling”. The Borough is not requiring anything for the proposed farmhouse even though there is no other access to the proposed house besides Trout Lane, but the Township is enforcing their Ordinance for any proposed development.

Mr. Sharnetzka said that the lot is landlocked & the only way to get anything built on it is to comply with the Township’s Ordinance. The Borough would have no say in the matter. He also suggested Mr. Stifler check his title insurance policy to see if the Township’s requirement of road improvements is listed because Mr. Stifler said none of this, nor the Easement Agreement was shared when he purchased the property. It could be a possible damage/insurance claim since they’re going to take a portion of his property away.

3. General Business

- **Approval of Meeting Minutes**—Ms. Almony made a motion to approve the November 1st, 2021 Meeting Minutes; Mrs. Bloom seconded. All were in favor; motion carried.
- **Approval of Financial Statements**
 - **General Funds**—Ms. Kreiss made a motion to approve General Fund bills dated Oct 29th thru Dec 2nd, totaling \$32,466.34; Mrs. Bloom seconded. All were in favor; motion carried.
 - **Sewer Funds**—Mrs. Bloom made a motion to approve Sewer Fund bills dated Oct 29th thru Dec 2nd, totaling \$54,094.52; Mr. Burkins seconded. All were in favor; motion carried.
 - **Water Funds**—Mrs. Bloom made a motion to approve Water Fund bills dated Oct 29th thru Dec 2nd, totaling \$37,980.84; Ms. Almony seconded. All were in favor; motion carried.

4. Solicitor’s Report—Craig Sharnetzka reported the following:

- **Ordinance 2021-004**—revisions to the Sidewalk Ordinance 2003-003 were before Council for advertisement. Craig had worked with Mrs. Bloom & Ms. Almony to get the revisions done for tonight’s meeting. Council & Mayor Kurtz had a few questions regarding the Ordinance:
 - How will the Ordinance be enforced? *Office staff will notify residents who have sidewalks out of compliance, to be followed up with enforcement by the Borough’s Code Enforcement Officer/Zoning Officer. Per Section 9 of the Ordinance, if repairs are not completed, Borough Council may move forward with repairs & place a lien/municipal claim on the property for all involved costs.*
 - Some properties are maintained by property maintenance companies; who will notification be sent to? *The property owners must be notified.*
 - Mr. Vizzi (who had exchanged emails with Ms. Almony regarding the Ordinance) asked if language should be included in the Ordinance specifying blighted conditions vs. non-blighted conditions. *Mr. Wisnom stated the Sidewalk Committee should’ve already addressed some of these issues & perhaps the Ordinance before Council*

tonight isn't ready for adoption/advertisement. Ms. Almony said the issue that Mr. Vizzi is referring to has been discussed before the Committee & Mr. Sharnetzka. The Committee is comfortable with the Ordinance revisions the way they are. Mr. Sharnetzka reviewed Mr. Vizzi's suggestions regarding notice given to property owners & had suggested to the Committee to remove some of the specifications because the first step of notifying the property owners would be the office staff sending a letter consistent with the standards of the Ordinance. Otherwise, an Engineer or Codes Officer would need to be involved from the beginning to specify what needs to be done.

- Mayor Kurtz said he had concerns about the Ordinance & the revisions. He would've liked to be part of the Committee meetings to voice his concerns, but he was never invited. He doesn't believe there was enough research done of all the situations (sidewalk conditions) in the Borough & stated he won't sign the Ordinance as Mayor the way it is without more input.
- Is the Committee willing to do more research before advertising the Ordinance? Mrs. Bloom & Ms. Almony feel adequate research has been done. Mr. Wisnom said no construction can be done during winter weather anyway, so can advertising/adoption of the Ordinance wait 30-60 days? Ms. Almony feels like the more notice given to property owners the better.
- Ms. Almony made a motion to move forward with advertising Ordinance 2021-004 10 days prior to its adoption at the January 3rd, 2022 Council Meeting; Mrs. Bloom seconded.

More discussion was held on Section 5 of the Ordinance which addresses properties with curbing abutting Main Street. Mr. Sharnetzka said when the Ordinance was adopted in 1991, it required all homes abutting Main Street without curbing to construct curbing. That comment carried over into this revised Ordinance. Does Council wish to keep that in & make that requirement? Why aren't Pennsylvania Avenue residents required to install curbing too, being a State road? The Ordinance also states that PennDOT requires curbing to be installed along State roads, but Jason Brenneman said that's untrue; PennDOT no longer requires that & says it's up to the municipality.

A vote was taken. Motion was denied with a vote of 2-5 (Wisnom, Burkins, Kreiss, Gemmill & Barnette opposing). Mrs. Barnette would like to give it more time for consideration. Mr. Burkins opposed it, feeling Section 5 & 5A need revised language before approving. Council members (or Mayor) with suggestions & concerns of the proposed Ordinance are urged to contact the Sidewalk Committee.

- **Nuisance Ordinance Updates**

- **Wierman-Ovelton Avenue**—the last letter Mr. Sharnetzka sent to Wierman's asked for updates to be given regarding the removal of the items accumulated on the property. In July/August, Mr. Wierman said some of the items were going to be taken to sale in November. Mr. Wierman (present tonight) said both trucks are torn apart & he got rid of part of the one but ran into some engine issues which will need to be rebuilt. Both truck frames are painted & both trucks are inside his barn/garage on the property. Ms. Almony (neighbor of Wierman property) stated the items piled up on the trailer, stored outside is what goes against the Nuisance Ordinance. Mr. Sharnetzka thought it was previously agreed on that the items in the trailer would be either sold or disposed of. The trailer is registered & legal, but the Ordinance prohibits the storing & accumulating of refuse, rubbish, combustible trash, junked items, wood, non-combustible trash, etc., regardless of what they are stored in. Charlie said it's not junk, it's resaleable items; however, he hasn't gotten a buyer for the items yet.

Notice has been served, so the next step is to file with the District Magistrate's office. Council has tried to work with Mr. Wierman and this issue has gone on for quite some time.

Mrs. Bloom made a motion to move forward with the District Magistrate filing & she can determine whether or not the items are resaleable; Ms. Almony seconded. A vote was taken; 3 in favor; 3 opposed (Gemmill, Burkins, Kreiss); Mr. Wisnom abstained. After discussion, Mr. Wisnom voted in favor of moving forward with the District Magistrate's filing; motion carried 4-3.

- **Schaeffer-28 N. Main**—have complied with correcting the structural concerns by boarding broken windows & securing the porch
- **Sheffer-41 N. Main**—property has been secured; windows are boarded, trees/weeds/bushes have been maintained.
- **Russell-20 N. Main**—the vehicle that had been housed in a removable tent is now on the property under a tarp. Mr. Wisnom made a motion for office staff to send a reminder letter about the unregistered vehicle; Ms. Kreiss seconded. All were in favor; motion carried.
- **General Tax/Real Estate Tax**—this was done by Resolution 2021-008 because the tax milage will remain the same at 2.85mils.
Ms. Almony made a motion to adopt Resolution 2021-008; Mr. Burkins seconded. All were in favor; motion carried.
- **Tax Collector**—per the Election results, there were some write-ins, and the Election Office has sent out packets to the winners. The winners must state their intentions, whether or not they accept the position. That information is due by January 1st, 2022. Mr. Sharnetzka will report back on the results.
- **Council Reorganization Meeting** will be held January 3rd, 2022 at 7:00p.m. followed by the regular Council Meeting.

5. **Engineer's Report**—Jason Brenneman reported:

- **Kinsley & York Materials Group/Street Project**—these 2 contracts together were approx. \$174,000. This included Charles Avenue, Free Street & Winters Avenue but Winters Avenue had been removed from the project list which made the actual contract \$151,000. Kinsley & YMG's invoices came in at approx. \$167,000. This doesn't include the Borough parking lot work or the Charles Avenue's widening.
The increased cost was due to the extra blacktop used on Free Street & Charles Avenue, as Kinsley laid an extra 140 tons (6 truckloads) on those two streets. Jason had noted to Kinsley that the full depth reclamation portion of the project was very low, meaning that more pavement would be needed. Kinsley thought the Borough selected the 5" of pavement option from the contract, but they had selected the 2 ½" of pavement. Because it was Kinsley's mistake, they offered a \$2,100 credit on the invoice; Jason suggested a credit of \$4,000-4,500, but no response was received on that yet. The amount of extra pavement used on those two streets seemed excessively high & calculates to approx. \$14,000.
Some of Council were not satisfied with the work which had been conveyed to Kinsley. They had repaired some but not the curb along Free Street.
Jason stated the amount due to Kinsley was approx. \$115,000; due to York Materials Group is approx. \$53,000 for a total of \$168,000 (both payable from Liquid Fuels).
The parking lot expense due to Kinsley was \$4,700; due to YMG is \$4,800 for a total of \$9,500 (both payable from General Funds).
Charles Avenue's shoulder restoration work with the reduced invoice is approx. \$8,700.
Does Council want to battle for the extra \$14,000 considering it would require more engineering & legal fees? Mr. Wisnom felt the extra money spent on Charles Avenue was worth it & the extra spent on Free Street was to even out the pavement & create a safer area

for customers & visitors of the Borough Office. Jason said Free Street & Charles were approx. 4,000 sq. yds. of area & calculating that to tons of asphalt is 140 tons less than what Kinsley billed the Borough. That was why Jason questioned Kinsley on it. The amount of FDR (full depth reclamation) shouldn't have been that much over, not 4" of asphalt over. The extra build-up of the parking lot & Charles Avenue tie-in wasn't included in that extra tonnage.

Mr. Gemmill made a motion to move forward & offer to pay \$10,000 (\$14,000-\$2,100 credit + an additional \$1,900 credit) of the overage; Mr. Burkins seconded. Jason had recommendations for the motions, so Mr. Gemmill withdrew his motion & Mr. Burkins withdrew his second.

Jason would recommend the following:

- Charles Avenue & Free Street work--a payment to Kinsley from Liquid Fuels to be \$114,549.86 & the payment to York Materials Group from Liquid Fuels to be \$54,086.77.

Mr. Burkins made a motion to approve the payments from Liquid Fuels as stated above; Ms. Kreiss seconded. All were in favor; motion carried.

This payment will work out to the \$4,000 less discussed previously.

- Parking lot—a payment to Kinsley from General Funds to be \$4,716 & the payment to York Materials Group from General Funds to be \$4,808.10.

Mr. Gemmill made a motion to approve the payments from the General Fund as stated above; Mr. Burkins seconded. All were in favor; motion carried.

- Charles Avenue tie-in work—a payment to Kinsley from the General Fund to be \$6,800, being the original invoice was \$10,000 which they reduced to \$8,700 & deducting another \$1,900 from that.

Mr. Gemmill made a motion to approve the General Fund payment to Kinsley of \$6,800; Mrs. Bloom seconded. All were in favor; motion carried.

If Kinsley agrees to this reduced amount & sends a revised invoice agreeing to the \$6,800 as "payment in full", Mr. Sharnetzka said that will be fine.

- **2022 Road Projects**—Council should begin to think about street work for next year.

6. **Sewer/Water Supervisor Report**—Ira Walker, Jr. submitted his report. All expenses have been or will be presented to the Authority for approval.

7. **Mayor's Report**—Mayor Kurtz & Roy Burkins reported that New Freedom didn't want to accept the 2022 Budget because they didn't agree to paying the PPO's that were proposed. Hopefully, they will agree & the budget can be passed. With the proposed increase for 2022, Mayor Kurtz said Stewartstown Borough's budget for Police Services is adequate.

8. **President/Vice-President's Report**—Mr. Wisnom reported:

- **Hiring of Nathan McCloskey**—Ms. Almony made a motion to hire Nathan McCloskey for a part-time position in the Water & Sewer Department at \$17/hr. Mrs. Bloom seconded. All were in favor; motion carried. Nathan is currently a student at York County Vo-Tech and participates in the co-op program. Upon his graduation, he will become a full-time employee of the Borough.

- **Pay increases**—

- Felicia Markline & Jonny Perry recently obtained their CDL licenses. Mrs. Bloom made a motion to approve the \$1/hr. pay increase for both Felicia & Jonny; Mrs. Barnette seconded. All were in favor; motion carried.

- Based on their 6-month employee evaluations & exceptional job performance, Mr. Gemmill made a motion to approve an additional \$1/hr. pay increase for both Felicia & Jonny; Mr. Burkins seconded. All were in favor; motion carried.

- **Resolution 2021-04**—to appoint Melissa Matthews as Borough Secretary. Ms. Almony made a motion to adopt Resolution 2021-04; Mrs. Bloom seconded. All were in favor; motion carried.
 - **Resolution 2021-05**—to appoint Stacy Myers as Borough Treasurer. Mrs. Bloom made a motion to adopt Resolution 2021-05; Ms. Almony seconded. All were in favor; motion carried.
 - **Resolution 2021-06**—to appoint Baker, Tilly, Virchow & Krause as Independent Auditors of Stewartstown Borough. Ms. Almony made a motion to adopt Resolution 2021-06; Ms. Kreiss seconded. All were in favor; motion carried.
 - **Resolution 2021-07**—to provide a Municipal Pension Plan to Borough employees through Pennsylvania Municipal Retirement System. Mrs. Bloom made a motion to adopt Resolution 2021-07; Ms. Almony seconded. All were in favor; motion carried.
 - **Resolution 2021-09**—to update the Borough’s Fee Schedule. Ms. Almony made a motion to adopt Resolution 2021-08; Mrs. Bloom seconded. All were in favor; motion carried.
9. **Treasurer’s Report**—Stacy Myers reported the following:
- **Approval of 2022 Borough Budget**—Mrs. Bloom made a motion to approve the 2022 Budget for Stewartstown Borough; Ms. Kreiss seconded. All were in favor; motion carried.
 - **Authority Resolution 2021-01** (to adopt water rate increases), **2021-02** (to adopt sewer rate increases), **2021-03** (to adopt associated fees for connection to the Sewer System), & **2021-04** (to adopt associated fees for connection to the Water System) must be adopted by Stewartstown Sewer & Water Authority, per Atty. Sharnetzka. The Authority maintains the Water & Sewer System and would be responsible to adopt their own Resolutions.
 - **Request for Fire Police**—Ms. Almony made a motion to approve the Fire Police request for the New Freedom Christmas Parade for December 4th; Mr. Burkins seconded. All were in favor; motion carried.
10. **Other Business**—As this was Gordon Wisnom’s last meeting on Borough Council, Mayor Kurtz presented him with a plaque for his 19 years of service to Stewartstown Borough. Council & audience members thanked him for his dedication & service.
11. **Adjournment**—With no further business before Council, Mr. Gemmill made a motion to adjourn the meeting @ 8:58p.m. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary