

**Stewartstown Borough Council**  
**Meeting Minutes**  
**Monday, June 7<sup>th</sup>, 2021**

**Members present**

Polly Kreiss  
Brittany Barnette  
Donna Bloom  
Pam Almony  
Roy Burkins  
Bill Gemmill

**Others present**

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

**Visitors**

Linda Miller  
David Elwell  
Dana Thompson

Jason Roberts  
Kim Carl  
Taras Vizzi

Sam Gemmill  
Rudy Kocman  
Maryann Dearstyne-Penn

1. The meeting was called to order @ 7:00p.m. followed by the pledge to the flag.
2. **Visitors/Public Comment**—Rudy Kocman, Kocman Insurance is preparing a quote for Borough's insurance policy which will renew in August 2021. The Borough has gotten coverage from EMC Insurance for years, but Rudy would like to obtain a quote from Selective Insurance Company to compare costs.  
Mrs. Bloom made a motion authorizing Stacy Myers to sign the paperwork in order for Rudy to move forward with obtaining a quote; Ms. Almony seconded. All were in favor; motion carried.
3. **General Business**
  - **Approval of Meeting Minutes**—Ms. Almony made a motion to approve the May 3<sup>rd</sup>, 2021 Meeting Minutes; Ms. Kreiss seconded. All were in favor; motion carried.
  - **Approval of Financial Statements**
    - **General Funds**—Mrs. Bloom made a motion to approve General Fund bills dated April 30<sup>th</sup> thru June 3<sup>rd</sup>, 2021, totaling \$19,286.97; Ms. Almony seconded. All were in favor; motion carried.
    - **Sewer Funds**—Mrs. Bloom made a motion to approve Sewer Fund bills dated April 30<sup>th</sup> thru June 3<sup>rd</sup>, 2021, totaling \$32,932.44; Mr. Burkins seconded. All were in favor; motion carried.
    - **Water Funds**—Ms. Kreiss made a motion to approve Water Fund bills dated April 30<sup>th</sup> thru June 3<sup>rd</sup>, 2021, totaling \$44,231.59; Mrs. Bloom seconded. All were in favor; motion carried.
4. **Solicitor's Report**—Craig Sharnetzka reported:
  - **Settlement for the movie theater** took place a couple weeks ago, the deed has been recorded & Mr. Wisnom had secured the property with locks. Bid specifications for demolition of the theater were before Council for action. The specs include:
    - Contractor timeframe for work will be 8am up to 6pm
    - Insurance specifications & performance bond requirements
    - Contractor to cap sewer, water, all utilities and be in control of all environmental irritants during demolition (dust, etc.)
    - Contractor doesn't get paid until the job is complete. Jason asked if the contract includes a liquidated damages provision which is usually included with contracts on a deadline. Craig said a provision can be added, but he believes the contractor will want to move quickly to get paid.
    - Licensed asbestos contractor must be onsite during demolition (contractor must provide this). If asbestos is discovered during demo, all work must stop until

suspicious items are removed & tested. This downtime will not be held against the demo contractor.

- Contract will allow 60 days to complete demolition with an option of a time extension, if necessary (or in the event asbestos is found & needs to be removed).
- Once the bid is awarded, the contractor has 10 days to enter into the contract (post bond, etc.) & work can begin immediately.
- Contractor must give notice to the neighboring properties within 7 days prior to demolition.
- Contractor must restore all adjacent buildings to prior-demolition condition. Pictures should be taken (either by Borough staff or the contractor) prior to the start of demolition.

Ms. Almony made a motion authorizing the bids for theater demolition to be advertised; Mrs. Barnette seconded. All were in favor; motion carried.

Atty. Sharnetzka will send a letter to York County Assessment Office requesting tax exemption of the 3 S. Main Street property due to the Borough's intention to demolish it. The Tax Assessment Office will want a use of the property; Council agreed this is "to be determined". Craig will state after theater demolition, the property will be vacant.

5. **Engineer's Report**—Jason Brenneman was not present tonight, but presented the following for Council's review:

- **Streets & Roads Committee, along with Jason decided to repair Free Street, Charles Street & Winters Avenue this year.** In 2022, High Street & George Street will be on the projected schedule for repair.
  - Due to the scope of work (full depth reclamation), additional engineering is required. Ira & Borough staff will dig test holes on all streets proposed for repair, beginning June 8<sup>th</sup>. Samples will be taken & a reclamation design will be done by ECS (geotechnical firm).
  - Bid documents are being prepared for a bid opening of July 2<sup>nd</sup>. Discussion will be held at Council's July 6<sup>th</sup> meeting.

Of note, Original Pizza lodged a complaint about the heavy traffic using his parking lot as a thoroughfare. If that lot is indeed private property, Borough Council was agreeable to Joe Failla installing posts, concrete bollards, or a similar barrier to deter traffic using his lot to access Free, Mill or Main Streets. With the upcoming repair to Free Street, this may be the opportune time for Joe to do something, at his expense of course.

Council was amenable to Borough staff sending a letter to Joe Failla stating the above.

- **Bailey Hotel**—Sam Juffe (developer/owner) of the hotel property contacted Jason, stating he was working with DEP to obtain a permit to clean out the outfall pipe. There are two side-by-side 36" diameter pipes originally installed through the middle of the hotel site & under Bailey Drive, discharging into the wetlands just west of Bailey Drive. This was part of the shopping center plan & they were installed by the developer. As part of the hotel plan & because staff was concerned about the condition of these two pipes, Sam videoed both of them. He agreed to clean out the storm water pipe & replace the sanitary sewer pipe (in an agreement with the Authority). After meeting with DEP & finding out what is involved with cleaning out this storm sewer pipe, Sam is now hesitating. Jason & Craig agree that because Sam is tying into these pipes with his stormwater system, he needs to clean out the stormwater outfall pipe. Jason told Sam Borough Council would re-review an alternate design, should he want to submit one, but Sam would need to contact the current property owner where the outfall sits in order to have it cleaned out.

A note on the LDP states this work should be completed & guaranteed through surety, as this surety was not included with the development surety. So, it should be submitted

separately or with the development bond. This plan should not be signed until all conditions noted on Atty. Sharnetzka's letter are addressed.

The issue with the storm water pipe is that it's in the wetlands & with the outfall of the pipe, it's not draining so it will back-up into the system & continue to do so if not cleaned out.

Borough Council believes Sam Juffe should do what he agreed to concerning this pipe.

6. **Sewer & Water Supervisor Report**—Ira Walker, Jr. submitted his report. All expenses have been or will be presented to the Authority for approval. Of note, Ira reported that D. Keith Trahan, hired in January, has passed his water **and** wastewater license exams. Congratulations & kudos to Keith!

7. **Mayor's Report**—Mayor Kurtz reported:

- Police Report was distributed. Stewartstown Borough is getting the Police coverage we're paying for with just 11 hours over. SRPD is down 2 officers (1 is on sick leave; 1 has resigned).
- Police Commission recently bought a device that will record/count traffic and monitor speed, so officers will know what times of day traffic is heaviest in an effort to cut down on speeding. The municipalities covered by SRPD will share this device that can be installed along any street.
- Sidewalk discussion—on Election Day, he & Mr. Vizzi (24 S. Main Street) walked some of the sidewalks in town to follow up on Mr. Vizzi's concerns that he brought before Council in May. Those sidewalks in the worst condition are in the square (Main Street/Pennsylvania Avenue), not only aesthetically-speaking, but also in regard to public safety. Mayor Kurtz said the Sidewalk Ordinance #2003-003 (superseded the 1991 Ordinance) requires sidewalks with cracks & holes in excess of ½" to be repaired. The Ordinance also requires repair of sidewalks with grades that rise above or drop below the grade of the immediate adjacent section by a depth of ½". The Mayor & Council agreed that would involve the majority of sidewalks in the Borough. Atty. Sharnetzka stated that if 90% of Borough sidewalks are not in compliance with the Ordinance & Council doesn't plan to make all those residents comply, then they should amend the Ordinance. Mr. Vizzi had agreed that most sidewalks in town did not pose a safety hazard to pedestrians, other than those in the square at the apartment buildings (3 of the 4 corners of the square). He distributed a proposal which outlined what he discussed at the May Council meeting & also an analysis of the liability the Borough could face should an injury take place on a sidewalk in disrepair. As mentioned, if the current Sidewalk Ordinance is amended, Mr. Vizzi suggested creating a section with special criteria for "blighted" sidewalks and those in advanced disrepair. The current Ordinance requires those sidewalks with 25% or more of its surface broken, crumbling, etc. to be repaired. Those are the sidewalks Mr. Vizzi is concerned about & those at the square certainly fall into that category.

Council agreed for the Streets & Roads Committee (Bloom, Almony) & Police & Public Safety (Barnette) to review Mr. Vizzi's proposal and bring back their thoughts and recommendations to Council next month concerning an amendment to the Sidewalk Ordinance.

- Ms. Almony asked that notice of Nuisance Ordinance violations be mailed to Charlie Wierman about his Ovelton property. She & her neighbors have dealt with his accumulation of old, rusted appliances, discarded items, etc. for years. The Borough has mailed him several letters over the past few years, he gets rid of some items or moves them into his storage building, but then he accumulates more. Mrs. Bloom made a motion authorizing Atty. Sharnetzka to send the violation letter to Charlie Wierman; Ms. Kreiss seconded. All were in favor; motion carried.

- Mr. Gemmill mentioned the Sacilotto property on Mill Street and the poor condition that it's in, including holes in the roof. A while back, the Zoning Officer had contacted Mr. Sacilotto, requesting that he make sure all doors & windows were secure to any passersby, etc. That was done on street-level, but the building continues to deteriorate.
  - Mayor Kurtz mentioned the several missed trash/recycling pick-ups along Memory Lane. Office staff has emailed Penn Waste Supervisors each time the Mayor lodged a complaint which was 3 times within the past couple months. The Borough pays a lot of money for trash collection and the missed collections are frustrating for residents. Atty. Sharnetzka stated there is a "mass violation" provision in the Borough's contract with Penn Waste that allows a deduction of \$2,000 from the Borough's monthly Penn Waste bill if 6 or more houses are missed on collection day. There are 8 homes/pick-ups on Memory Lane, so the Mayor will continue to keep Borough staff apprised of any missed collections.
8. **President/Vice-President Report**—Mr. Gemmill reported, per the Personnel Policy, Keith Trahan is eligible to a \$2/hr. pay increase for obtaining both his sewer & his water license (retroactive to his test date).  
Mr. Burkins made a motion to approve D. Keith Trahan's \$4/hr. pay increase, retroactively from his test date (\$2/hr. for sewer licensing, \$2/hr. for water licensing); Ms. Kreiss seconded. All were in favor; motion carried.
9. **Treasurer's Report**—Stacy Myers reported:
- Jack Cuning (206 N. Marshview Rd.) has agreed to serve as Alternate to the Zoning Hearing Board. This position has been vacant for some time.  
Ms. Almony made a motion to appoint Mr. Cuning as Alternate to the ZHB; Mrs. Bloom seconded. All were in favor; motion carried.
  - Resolution 2021-02—updating the Fee Schedule (prior Resolution 2015-04) Two fee updates include:
    - Solicitor filing fee to file municipal liens, increased from \$49.50 to \$60.00
    - Zoning Hearing Application Fee, increased from \$500 to \$650
 Ms. Almony made a motion to adopt Resolution 2021-02; Mr. Burkins seconded. All were in favor; motion carried.
  - Fire Police requests:
    - Glen Rock Borough—Glen Rock Carolers (December) & Susquehannock's May 27<sup>th</sup> graduation (prior approval given by Wisnom/Gemmill via email).
    - Stewartstown Lions' Club—Fall Fest
    - Jacobus Lions' Club—July 4<sup>th</sup> celebration
    - Shrewsbury Borough—list of their year's events
    - New Freedom Borough—annual parade
    - Stewartstown's CROP Walk (October)
 Ms. Almony made a motion to approve the above Fire Police requests; Ms. Kreiss seconded. All were in favor; motion carried.
  - **Reminder**—Borough Council's July meeting will be **Tuesday, July 6<sup>th</sup>** (Borough Office is closed on Monday, July 5<sup>th</sup>)
10. **Other Business**—other issues to come before Council:
- Borough staff will take pictures & send violation letters this week to:
    - Dale Halleran—38 W. Pennsylvania
    - Arlene Roseberry—37 W. Pennsylvania
  - Ira reported:
    - Eureka Fireman's Carnival will be July 19<sup>th</sup>-24<sup>th</sup> with the Parade on Saturday, July 24<sup>th</sup>
    - Patriotic Parade through town—September 18<sup>th</sup> @ 10am (coordinates with the Borough's free yard sale day).

- W. Pennsylvania Avenue—“washboard” area in the roadway (near intersection of Rt. 851) is getting worse. This is a State road, so it’s PennDOT’s responsibility to repair. Maybe a State representative should be called to put some pressure on PennDOT. Mrs. Bloom has a contact person at PennDOT who she will call. Mr. Gemmill offered to contact State Representative Mike Jones.
  - Mrs. Barnette wanted to mention a few articles from the recent Borough News magazine:
    - Fireworks legislation—recent HB 988 would repeal the most recent changes made to the fireworks law & reinstate the provisions as they existed before Act 43 & would not prohibit Pennsylvanians from using novelty fireworks.
    - National Night Out is planned for August 3<sup>rd</sup>, 2021—an activity was held in the Borough in 2019 & it was a nice community event, if Council wants to participate again. SRPD officers can attend to meet residents, children, etc.
  - Mr. Gemmill stated the banners honoring the servicemen/women on the street poles through town look very nice. The American Legion Auxiliary (& all who helped) did a great job!
  - York County Borough Association Picnic will be held Thursday, June 24<sup>th</sup> @ 6:30p.m. at Lake Redman. Any Council member wishing to attend, let Stacy or Missy know. The speaker will be someone from Rabbit Transit.
  - Patriotic Red, White & Blue Celebration (benefiting Mason-Dixon Library) is going on now through July 4<sup>th</sup>. Residents & businesses are encouraged to decorate outside their homes with patriotic colors to show pride in our community & country. Those wishing to have their homes judged can complete a form (available at the Borough Office or Library) & pay a \$10 entrance fee. Judging will take place June 26<sup>th</sup> thru July 3<sup>rd</sup>.
11. **Adjournment**—With no further business before Council, Mr. Burkins made a motion to adjourn the meeting @ 8:32p.m.; Ms. Almony seconded. All were in favor; motion carried.

Respectfully submitted by:

Stacy Myers, Recording Secretary