

**Stewartstown Borough Council
Meeting Minutes
Monday, November 4th, 2019**

Members present

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

Others present

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

Visitors

Sarah Young, Keystone Custom Homes
Reginald Gemmill, Stewartstown Lions Club
Patricia Moore, President, Stewartstown Lions Club
Tom Jones, Stewartstown Electric

Pam Almony
Ken Smith

1. The meeting was called to order @ 7:00p.m. Everyone participated in the pledge to the flag.
2. **GENERAL BUSINESS**
 - Approval of Meeting Minutes—Mrs. Bloom made a motion to approve the October 7th, 2019 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 dated Oct 5th thru Nov 1st, totaling \$111,384.56; Mr. Burkins seconded. All were in favor; motion carried.
 - **Sewer Funds**—Mrs. Bloom made a motion to approve Sewer Fund bills dated Oct 5th thru Nov 1st, totaling \$186,995.47; Ms. Kreiss seconded. All were in favor; motion carried.
 - **Water Funds**—Ms. Kreiss made a motion to approve Water Fund bills dated Oct 5th thru Nov 1st, totaling \$50,227.86; Mrs. Bloom seconded. All were in favor; motion carried.
3. **PUBLIC COMMENT/VISITORS**—Patricia Moore, Reginald Gemmill & Tom Jones were present to request the Borough pay half of the repair bill to reattach Christmas light wires on the telephone pole at the W. Pennsylvania & Main Street intersection. The pole had been hit by a tractor trailer in November 2018, causing damage to the wires. At that time, Verizon didn't move their phone wires to a different pole, but instead left them attached to the damaged pole. At the same time, they removed the splice point of the Christmas lights, so now they will not work until those wires are reconnected. The power wires were restored within a day or two by Dorn Electric & the repair bill was paid by the trucking company.
Knowing how everyone enjoys the Christmas lights, the Lions Club would like to get the wires reconnected & Dorn Electric has offered to do so at a discounted rate of \$1,000. Lions Club helps a lot of organizations in town & gives away a lot of their profits within the community & asked Borough Council to pay \$500 of the \$1,000 bill. Council is amenable to this; however, they feel Verizon should be held responsible for the repair/cost since they had originally spliced the wires. Ira said he has a contact person at Kristin Phillips-Hill's office he could call to discuss contacting Verizon to fix and/or pay for the necessary repair. Council was agreeable to this. Mr. Ellinger made a motion to pay \$500 to Stewartstown Lions Club for the repair of the Christmas light wire, if necessary, after Ira calls Phillips-Hill's office; Mr. Burkins seconded. All were in favor; motion carried.

4. **SOLICITOR'S REPORT**—Craig Sharnetzka reported the following:

- **Banner/Bunting/Pennant Ordinance**—this proposed Ordinance, for organizations that meet the specific criteria of the Ordinance, has been reviewed by York County Planning Commission. The recommended adoption of the Ordinance came with suggestions of 1) including definitions of buntings, banners & pennants and, 2) include the definition of what constitutes a civic event. Craig believes the Ordinance is self-explanatory of what a banner, bunting & pennant is, but he will include a definition of a civic event (an event that involves a group of citizens gathering to promote the common good or general welfare of the community).

Mr. Burkins made a motion to authorize advertising the Ordinance, as submitted and with the addition of the civic event definition. Mrs. Bloom seconded. All were in favor; motion carried.

- **Penn Waste letter**—Craig has received the one-year signed contract from Penn Waste, along with their insurance certificate. He was told by Ed Ward that Penn Waste typically does not include 64-gallon recycling totes in one-year contracts because, if they would not be awarded the contract after that one year, it's a big expense (approx.\$50,000) for them to pick up all the recycling totes they distributed only a year prior. The Borough had the totes in their bid specs, which Penn Waste had previously agreed to. At their September meeting, Borough Council had accepted the 5-year bid from Penn Waste, but after consideration, in October, Council decided to accept the one-year bid with Penn Waste.

Penn Waste is requesting that Stewartstown Borough work with them & waive the recycling toter request for the one-year contract due to cost. Mr. Ellinger made a motion to waive the recycling toter request from the one-year contract with Penn Waste; Mr. Kurtz seconded. All were in favor; motion carried.

- **Rutter's Traffic Signal Warrant Study**—TRG had completed the traffic study for Rutter's & found a traffic signal light was not warranted at the intersection of W. Pennsylvania & Main Street. Mr. Kurtz made a motion to release the Rutter's Bond that was in the amount of \$82,500; Ms. Kreiss seconded. All were in favor; motion carried.
- **35 Mill Street (Barr) Waiver Request for Geothermal Heating**—the Barr's submitted an application to install geothermal heating at their residence, but they cannot meet the distance requirements of the Borough's Geothermal Heating Ordinance. They asked for a Waiver from the following requirements:

- From the foundation of the house, the Ordinance requirement is 25'; they have 7'.
- From the property line, the Ordinance requirement is 10'; they have 5'.

Council is concerned with the inability to meet the distance requirements because of what is required to install geothermal heating; i.e. digging two wells, etc.

Mr. Kurtz made a motion to deny the Waiver request; Mrs. Bloom seconded. All were in favor; motion carried.

- **Movie theater**—since Bill Neal had not held a public auction by the October 15th deadline, a hearing will be held on December 4th to convert his bankruptcy from Chapter 13 to Chapter 7. Chapter 7 is a liquidation bankruptcy & involves appointing a trustee to liquidate assets in order to pay Mr. Neal's debtors.
- **Cloverfield Phase 2 Developer's Agreement**—this mirrors the Phase 1 Agreement other than being applicable to the 12 acres of Phase 2 which will include 41 single-family homes. Keystone's Bonding/Financial Security is in place in the amount of \$1,251,794. Any revised language & plans are incorporated into this new agreement. Craig stated the agreement requires Keystone to send \$7,500 to the Borough to be held as an inspection account. Jason Brenneman stated all his comments on the Phase 2 plan have been addressed. Regarding the Bailey pumpstation impeller upgrade, this was between Bridgeview & Cloverfield (whoever will require the upgrade first, will pay) and there is a separate, signed

agreement relating to that. Before any sewer connection permits are issued, the Bailey impeller upgrade is required, and Jason said Bridgeview is in discussion with Cloverfield regarding this.

Mr. Burkins made a motion to approve the Developer's Agreement; Mrs. Bloom seconded. All were in favor; motion carried.

Sarah Young, from Keystone Custom Homes was present tonight. She stated she will relay tonight's information back to the correct parties. Once the Phase 2 Plan is signed by Borough Council members, Ms. Young will take it to Craig's office for recording.

- **Real Estate Tax**—Council voted last month to repeal Per Capita Tax in the Borough & Craig stated if the Real Estate millage is not being increased, an Ordinance does not need to be done. But an Ordinance does need to be done to repeal Per Capita. After discussion, Council decided to keep real estate at 2.85mils and monitor taxes throughout 2020 to determine whether a tax increase is necessary at next year's budget time. Mr. Kurtz made a motion to advertise the Ordinance at the same millage; Mrs. Bloom seconded. All were in favor; motion carried.

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

- Stewart & Tate fixed the manhole on Ecker Avenue and Jason & Ira were satisfied with the job. Mrs. Bloom made a motion to pay Stewart & Tate the retainage in the amount of \$2,673.40; Ms. Kreiss seconded. All were in favor; motion carried.
- York Materials submitted their payment request and Jason reported the low-hanging wires & pole that had been hit by the contractor's vehicle have been repaired. Mrs. Bloom made a motion to pay York Materials in the amount of \$22,211.65; Ms. Kreiss seconded. All were in favor; motion carried.
- Wilson/Falkler Plan—Jason stated there were many comments that remained unaddressed, one of which is obtaining a PennDOT permit for a new line to be extended from the one manhole to the property line. The plan was returned to their engineer for revision.
- 33 Camelot—office staff brought this property to Jason's attention where an inlet was developing a large hole next to it. Even though it's on private property, the stormwater would go to a basin & it should be controlled. Ira noticed the hole had recently been filled with stones, evidently by the property owner.

6. **SEWER AND WATER SUPERVISOR REPORT**—Ira Walker, Jr. submitted his report which will be on file with these Meeting Minutes. The expenses needing approval will be brought to the Sewer & Water Authority's attention at their November 20th meeting.

7. **MAYOR'S REPORT**—Mayor Herzberger reported:

- He had revised some budget items with office staff. The 2020 Budget is before Council for review to be adopted at the December 2nd Council meeting. Discussion was held & the consensus of Council & Mayor Herzberger was to stay at the current 2.85 millage rate for real estate taxes. If a tax increase becomes necessary (due to overall expenses & no longer collecting per capita tax), it can be discussed at next year's budget time. Mr. Burkins made a motion to advertise the proposed 2020 Budget; Mrs. Bloom seconded. All were in favor; motion carried.
- At last month's Police Commission meeting, the Mayor reported that Stewartstown Borough is comfortable with their projected police amount for 2020. Glen Rock met after the Police Commission meeting & also approved what is proposed for their police expenses. The Mayor doesn't anticipate any problems with Shrewsbury & New Freedom approving theirs.

8. **TREASURER'S REPORT**—Borough staff will contact Bill Gemmill (Streets & Roads Committee) for the placement of the solar speed signs.

9. **ADJOURNMENT**—With no further business before Council, Mrs. Bloom made a motion to adjourn the meeting @ 8:23p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary

