

Stewartstown Borough Council
Meeting Minutes
Monday, October 7th, 2019

Members

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

Others

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

Visitors

Sandra Mitchell
Tim Bieber, Rutter's

Pam Almony
Mark Raulie

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—Mr. Kurtz made a motion to approve the September 3rd 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 September 18th thru October 4th, totaling \$92,166.28; Mr. Burkins seconded. All were in favor; motion carried.
 - **Sewer Funds**—Mrs. Bloom made a motion to approve Sewer Fund bills dated September 18th thru October 4th, totaling \$36,702.02; Mr. Burkins seconded. All were in favor; motion carried.
 - **Water Funds**—Mrs. Bloom made a motion to approve Water Fund bills dated September 18th thru October 4th, totaling \$18,331.04; Mr. Ellinger seconded. All were in favor; motion carried.
3. **PUBLIC COMMENT/VISITORS**—Sandra Mitchell was present to discuss Per Capita taxes with Council. As the Borough Tax Collector, Sandra explained the complexity that collecting per capita taxes has become. The tax is not based on income; it's considered a "head tax" and all Borough residents, even renters, are required to pay it. It's becoming more difficult to obtain correct addresses for residents, especially in rental units when tenants come & go frequently. York Adams Tax Bureau used to serve as the enumerator for the per capita taxes because they gathered names & addresses of residents to have accurate records for billing. They recently notified County Tax Collectors that, as of October 18th, they will no longer do this, so the Borough must either find another enumerator for updating resident records or eliminate the per capita tax altogether. Out of 72 municipalities within the County, only 22 municipalities still collect it. South Eastern School District no longer collects theirs. Along with finding an enumerator, the Borough would need a programmer to create a record and/or program from the enumerator that would be used for billing. Sandra reported tax bill & envelope costs for mailings continue to increase and she feels the amount of work she must dedicate to per capita (much more than collecting real estate taxes), is just not worth the \$4.90/person tax. Office staff provided Council with revenue & expense reports for Per Capita. In 2017 & 2018, Per Capita brought a revenue of approx. \$3,225 & \$3,276 respectively. 2019 is expected to bring approximately the same amount of revenue for this tax. If we would need to add an enumerator and a programmer, that would add to expenses. Council is amenable to eliminating Per Capita taxes; however, they would like to get a report of Real Estate Tax revenue so they can gauge whether we would need to raise taxes to make up some

revenue lost on eliminating them. Office staff will provide those reports at the November meeting.

Mr. Ellinger made a motion to eliminate the Per Capita Tax collection; Mr. Kurtz seconded. All were in favor; motion carried.

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

- **Movie theater**—Bill Neal did not sell the theater by the September 30th deadline (per his bankruptcy requirements). He now has until October 15th to schedule a public auction and if he does not do that, CGA Law Firm will attempt to move forward on converting the bankruptcy case to a liquidation. If this is done, a trustee can move to sell the property to pay Mr. Neal's debtors. It was stated, Mr. Neal owes back taxes from 2004 on one of the properties he owns. Updates to come as they're received.
- **Refuse contract with Penn Waste**—after last month's meeting when Council had accepted a 5-year bid from Penn Waste (the only bid received), Mr. Kurtz wanted to review other options, as he felt the increase driven by the new contract will be too much of a hardship for some residents. While there is no time to rebid the trash contract before the current contract's 10/31/19 expiration, Craig said Council can accept the Penn Waste bid for one year (rather than the 5-year) and rebid at the end of that year. Mr. Kurtz said he has asked several residents whether they would be opposed to going from two trash collections/week to one collection/week in order to pay a lower trash rate. He's getting different opinions, depending on the resident, their family size and their financial situation. He would like to get more community input on this by putting a survey-type article in the next Borough newsletter asking for feedback. There is no guarantee, of course, that a rate increase won't still be necessary after this contract year & rebid.

Mr. Kurtz made a motion to award the contract to Penn Waste for one year at the rate of \$288,144/year and obtain input from the residents beginning early 2020 on the number of pickups per week vs. cost. Mr. Burkins seconded. Motion carried with Mr. Ellinger opposing.

- **Traffic Signal Agreement with Rutter's**—when Rutter's built their new store on West Pennsylvania, the Borough required them to put a 10-year Bond in place in the amount of \$82,500 in the event there would be a necessity for a traffic signal at the intersection of Rt. 851 (W. Pennsylvania) and Rt. 24 (Main Street). Rutter's is now asking that the Bond be released; however, in reviewing the Traffic Signal Agreement, Craig found that Rutter's was to supply the Borough with a traffic count & a traffic signal warrant analysis of that intersection every two years. This was never done & the Borough had never asked for it. Tim Bieber, Site Development Project Manager from Rutter's Farm Store was present tonight regarding this issue. He stated with employee changes at Rutter's, unfortunately, this was overlooked. He now tracks where the bonds are; however, he was unaware of this agreement and its requirements of the traffic signal warrant analysis & traffic count. Rutter's now knows it needs to be done, but Mr. Bieber stated, since the agreement caps the traffic signal cost at \$82,500, neither Rutter's nor the Borough probably want to see a traffic signal be necessary at that intersection. Current cost of a traffic signal would be well over \$200,000. The agreement states the bond would be for the sole purpose of securing the cost of construction of the traffic signal (\$82,500), implying that the Borough would be responsible for the bidding and related costs, permitting, engineering costs, etc.

Craig believes the agreement was in place assuming that development would take place around the new Rutter's store and with that, more traffic in town would be a result.

Mr. Bieber said Rutter's understands they didn't hold up their end of the agreement & since they want the bond released, they will do the traffic count & signal warrant analysis. Jason stated if the signal warrant comes back determining the traffic signal is warranted, he believes the Borough would be obligated to install it because that would mean the intersection is failing. Mr. Bieber said he has asked TRG to conduct a quick check on the data and they said

it's not clear-cut whether the signal would be warranted until the analysis & traffic count is done.

Mrs. Bloom made a motion for Rutter's to conduct the traffic signal warrant analysis & traffic count; Mr. Burkins seconded. All were in favor; motion carried. More on this as information is received.

- Cloverfield Phase 2 Developer's Agreement—Craig received the Bond & after he made suggestions of revisions to it, Cloverfield complied. Craig agreed to draft the Developer's Agreement for Phase 2, but when he asked their representatives for a copy of the prior agreement, they stated they don't have it. Craig will now redo the Agreement.
 - Banner/Pennant/Bunting Ordinance—York County Planning Commission is reviewing this on October 15th. Craig will report their comments at the November Council meeting.
 - The General Assembly recently passed Act 51 of 2019 which revises the process for adopting tax ordinances. When keeping tax rates the same or lower, an Ordinance is no longer necessary; it can be done by Resolution. If raising taxes, however; an Ordinance would be necessary. So, regarding the elimination of the Per Capita Tax discussed earlier tonight, an Ordinance does not need to be passed.
 - ADA ramp at the Borough Office—Craig had mailed a letter to the County Solicitor on June 13th but has received no response to date. The Borough Office will be used as the polling place in November.
5. **ENGINEER'S REPORT**—Jason Brenneman reported the following:
- Ecker Avenue Project is complete except for a few punch list items.
 - Contract #1 with Stewart & Tate was for the base repair, fabric & overlay. They submitted a payment request for \$53,467.90. Ira reported that one of the manholes is approx. ½" lower on one side than the other & he feels it should be fixed. The other two manholes are to the grade of the street. Jason agreed that the manhole could've been done more satisfactory, but since it's sunken & not raised, he believes it won't cause problems for snowplows, etc.

Mr. Kurtz made a motion to have Stewart & Tate correct this manhole; Mr. Burkins seconded. All were in favor; motion carried.

Jason recommended holding 5% retainage from the payment until the manhole is corrected. He will request Stewart & Tate submit another payment request minus 5%. Mr. Ellinger made a motion to submit payment minus 5% retainage; Mrs. Bloom seconded. All were in favor; motion carried.
 - Contract #2 with York Materials was to furnish & deliver 9.5mm Superpave. The issue of one of their contractors knocking down a pole along Ecker has not been resolved. Their recent invoice was for \$22,211.65 & Jason said we could hold 5% retainage until everything is resolved. Residents along Ecker stated the trash trucks weren't traveling on the street because of downed wires (believed to be cable or phone) from the pole. This issue was brought up to the contractor & their safety personnel a couple weeks ago and Jason & Ira believe it should've been fixed by now. Jason will tell them payment of their invoice is being held until the pole is fixed.
 - Mill Street Inlets/Sinkholes—Jason & Ira reviewed the area last month with Clear View Excavating, who was going to fix the one inlet. While in the area, Dan from Clear View noticed a sinkhole forming at two of the other inlets. He had given a price for the first inlet of \$2,200; however, for repair of all 3 inlets, he quoted \$4,600. Mrs. Bloom made a motion to pay Clear View \$4,600 to repair all 3 inlets on Mill Street; Ms. Kreiss seconded. All were in favor; motion carried.
 - Jason received a revised plan on the Falkler/Wilson subdivision. Falker/Wilson Engineer said he has not received the PennDOT permit yet.

- For Streets & Roads Committee--Patchwork is needed along Free Street & Pine Street.
6. **SEWER & WATER SUPERVISOR REPORT**—Ira Walker, Jr. submitted his report which will be on file with these Meeting Minutes. The following were before Council for action:
 - Lab supplies ordered from Hach Co. at a cost of \$241.47 + shipping. Mrs. Bloom made a motion to approve this expense; Ms. Kreiss seconded. All were in favor; motion carried.
 - Act Pak repaired by Control Systems 21 at a cost of \$120.18. Mr. Burkins made a motion to approve this expense; Ms. Kreiss seconded. All were in favor; motion carried.
 - Reagent kits for the chlorine analyzer were ordered from Control Systems 21 at a cost of \$364.50. Ms. Kreiss made a motion to approve this expense; Mrs. Bloom seconded. All were in favor; motion carried.
 - One 1” curb stop & two stainless steel inserts were ordered from L/B Water Service at a cost of \$153.25. Mrs. Bloom made a motion to approve this expense; Ms. Kreiss seconded. All were in favor; motion carried.
 - Six float switches (for sewer) were purchased from Control Systems 21 at a cost of \$408. Mrs. Bloom made a motion to approve this expense; Mr. Burkins seconded. All were in favor; motion carried.
 - Ira reported Tony Lewis is working again in the water department & things are going well.
 7. **MAYOR’S/POLICE REPORT**—Mayor Herzberger reported:
 - He met with Missy Matthews last week to suggest a few revisions on the 2020 Budget. He suggested increasing the budget in some areas, while decreasing in others. He will contact her to request the updated budget be emailed to Council for their review before the November meeting. He stated, with the revisions, the Borough should see a surplus of revenue of approx. \$32,000.
 - 2020 Police Budget—it’s planned to use funding from the members to fund the operating budget & use the reserves and any additional revenue from health care premiums to fund the capital expenses. This will help form a plan to save for capital expenses, going forward. The two capital items in the 2020 Budget is 1) to replace the computer server and 2) fund ½ of a new police car. The idea is to fund ½ car each year, as SRPD may need to purchase one every other year. Mayor reported the Police vehicle totaled in the recent accident didn’t hold much value, but by adding approx. \$22,000 from reserves, it could be replaced. As of 2020, Stewartstown’s cost for Police services should be approx. \$352,000 which is a 1.7% increase.
 - Safe areas are offered at the Southern Regional Police Department so that people have a well-lit, secure area with cameras to meet when carrying out transactions from Craig’s List or other online sites. SRPD’s address is 47 E. High Street, New Freedom.
 8. **TREASURER’S REPORT**—Stacy Myers reported:
 - The four solar speed signs have arrived. What are Council’s thoughts on where to install them? Previous thoughts were one on North Main, one on South Main & one on Mill Street; it can be decided where to place the fourth one. Streets & Roads Committee can discuss this.
 - Saturday, November 9th—York County Boroughs Association Dinner/Meeting will be held at Great American Saloon, starting @ 6:30p.m.
 9. **Council recessed to Executive Session @ 8:24p.m.**
 10. **Council reconvened @ 8:40p.m.** No action was taken.
 11. **Adjournment**—Mr. Kurtz made a motion to adjourn the meeting @ 8:40p.m.; Mrs. Bloom seconded. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary