

Stewartstown Borough Council
Meeting Minutes
Monday, March 4th, 2019

Members

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

Others

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

Visitors

Mark & Peggy Raulie
Sam Gemmill

1. The meeting was called to order @ 7:00p.m. Everyone present participated in the pledge to the flag.
2. **GENERAL BUSINESS**
 - Approval of Meeting Minutes—Mr. Ellinger made a motion to approve the February 4th, 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 February 2nd thru March 3rd, 2019, totaling \$61,022.68; Mr. Gemmill seconded. All were in favor; motion carried.
 - **Sewer Funds**—Mrs. Bloom made a motion to approve Sewer Fund bills dated February 2nd thru March 3rd, 2019, totaling \$141,734.69; Mr. Burkins seconded. All were in favor; motion carried.
 - **Water Funds**—Ms. Kreiss made a motion to approve Water Fund bills dated February 2nd thru March 3rd, 2019, totaling \$45,348.15; Mrs. Bloom seconded. All were in favor; motion carried.
3. **PUBLIC COMMENT/VISITORS**—no one to address Council
4. **SOLICITOR'S REPORT**—Craig Sharnetzka reported the following:
 - **Ramsey movie theater**—dates for compliance under the stipulation of his bankruptcy:
 - 3/31/2019—all necessary repairs must be made to all his real estate properties
 - 4/1/2019—on or before this date, he must obtain a realtor to list all his properties (except his residence).
 - **Leash Law update**—the State Act has a provision that states it is unlawful for an owner/keeper of any dog to fail to keep the dog confined within the owner's premises and to have reasonable control of the dog, at all times. The State Act doesn't have any true enforcement mechanisms and instead, allows local municipalities to form their own law with penalties; however, the State Law **is** used in civil suits (if a dog causes harm to another dog, person, etc). Craig stated there are enforceable provisions within the Borough's Nuisance Ordinance, Section 6 which states "it shall be unlawful for any owner to allow a household pet to run at large", running at large being upon any public or private property other than that property owned by the pet's owner. Per this Ordinance, the Borough's Animal Control Officer has the ability to respond to pet complaints & when appropriate, seize & contain a household pet that is running at large.
This leash law research stems from a complaint from a resident who reported that her dog, while walking, was recently attacked by another resident's pit bull-type dogs. The owner of

the two pit bulls did not have them on leashes & other residents have reported the dogs are frequently walked around town untethered. Borough Council is concerned that, should this happen again, it could be a more serious attack on a child or adult next time. When speaking to the pit bulls' owner recently, Ms. Kreiss said he claims he controls the dogs with an "electronic leash", similar to a shock collar. He stated Southern Regional Police have told him that type of control device is satisfactory in place of a physical leash; however, Council members do not agree. Craig stated, even when the dogs are with the owner, per the Ordinance, they would be considered "running at large" if they are not on a leash. Council members requested office staff mail a letter and a copy of the Nuisance Ordinance, outlining Section 6 (Pets as a Nuisance) to the owner of the two pit bull-type dogs. The letter will state the dog's owners are now on notice and should the Borough Office receive another complaint regarding their dogs "running at large", they could face fines due to violating the Nuisance Ordinance. A copy of the Nuisance Ordinance should also be mailed to Klugh Animal Control Services (the Borough's Animal Control Officer) so they're aware of their responsibilities in this type of situation.

- **State Police Update**—Governor Wolf is proposing legislation to impose fees on municipalities that use State Police. This is the 3rd attempt at passing this legislation. The fee would be on a sliding scale, based on population ranging from \$8/person for populations with 2,000 (or less) residents and increasing to \$166/person for municipalities with 20,000 or more residents. It's projected to raise \$103million per year to offset the yearly costs for Pennsylvania State Police.
- **Refuse Bid Specifications**—the Borough's trash contract with Penn Waste expires at the end of October 2019. CGA will prepare the bid packet for approval at Council's August 5th, 2019 meeting. It will be advertised on August 7th with a bid opening at either the September 3rd or October 7th Council meeting. The new trash contract would begin November 1st, 2019.
- **Golf carts—can they be driven on public roads?** Craig stated golf carts can be used as other non-authorized vehicles, such as 3-wheelers & 4-wheelers, and at certain times can **cross over** public roadways, but typically, they're not permitted vehicles. Mr. Kurtz mentioned Senate Bill 785 that passed in January 2019, which includes language allowing "certain low-speed vehicles, like those used for resorts, college campuses & in the maintenance of golf courses. These vehicles do not have to be registered with the state." The bill goes on to say such vehicles would be allowed to drive one mile (and cross highways) on public roads. Any first responder all-terrain vehicles such as fire, police & EMS can travel up to two miles on a highway and use sirens and lights. Anyone over the age of 12 can drive a golf cart; however, in order to cross a highway, you must be 16 years or older, unless accompanied by an adult. Mr. Kurtz was approached by a few residents about whether these types of vehicles are allowed on public roads in the Borough. Craig said he will research this Senate bill and check other municipalities regarding this & report back.

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

- **West PA Avenue Storm Sewer Project**—bids were opened on March 1st with 3 bidders picking up bid packets, Kinsley Construction, Wexcon, Inc. & Long's Asphalt, Inc. Kinsley was the only contractor to submit a bid, coming in \$30-35,000 higher than Jason had estimated, with a bid of \$75,705. Their bids on installation costs & materials were mainly the reason for the high bid; Jason concurred with their bid on pavement restoration. There is approx. \$70,000 budgeted for this project, but that was based on replacing two large boxes, which is not going to be done now. Instead, 2' x 4' inlets are now going to be installed. Jason had called Fitz & Smith to check their interest in bidding this project. They would like to bid; however, they are having problems with bonding because they have too much work tied up & delayed due to rain. Jason recommended waiting until the May Council meeting to

hope for drier weather to rebid. Mrs. Bloom made a motion to deny Kinsley's bid due to budget issues; Mr. Burkins seconded. All were in favor; motion carried.

- **Ecker Avenue project**—Jason spoke to Aaron Manifold, who had previously been interested in the project, but is now requesting to back out. Aaron had started digging in the area and ran across a second 24-inch storm sewer pipe under Ecker Avenue. Aaron's approx. cost of culvert replacement & pipe was \$5,500 and Jason believes he is now reconsidering the quote due to more work involved with a 2nd pipe and Columbia Gas getting involved due to the gas line in that area. Council is agreeable to Aaron Manifold rebidding, if he is interested. Even if the quote was doubled to \$11,000, three phone quotes would then be necessary, but that price would be satisfactory to Council & Jason.

Jason stated the repaving portion of this project will be bid anyway, so the pipe replacement could be included in that bidding process, but that will increase the project over the \$100,000 limit and then prevailing wage would be involved. This would increase the cost of the project 20-25%. Unfortunately, Jason stated this has been the way many of these projects are going in other municipalities; contractors are so backed up due to rainy weather.

The repaving part of this project can't be done without completing the excavation work first. Three phone quotes (if over \$10,900) could be gathered for excavation work, drain pipe & culvert replacement. The paving can then be bid separately, if Council wishes.

Ira Walker, Jr. had contacted Aaron Manifold during the meeting, who said he would be agreeable to meeting with Jason & Ira to discuss the project. It would depend on the cost of the head wall, if that would be needed for the project. Update on this project to come.

- **Spiral Screen**—the DEP permit for the installation of the spiral screen has been received.
6. **SEWER AND WATER SUPERVISOR**—Ira Walker, Jr. reported:
- A bad switch on the main control panel of the sludge pump was replaced by Control Systems 21, for a cost of \$613.85. Ms. Kreiss made a motion to approve this expense; Mrs. Bloom seconded. All were in favor; motion carried.
 - Control Systems 21 expenses
 - A heater was installed to protect the electronic components at Sewer Station #5 at a cost of \$758.56.
 - An issue with the SCADA system at Sewer Station #1 (Bailey's) was repaired at a cost of \$312.13.
 - A problem with the chlorine analyzer at Well #7 was discovered & replacement of the main circuit board was necessary at a cost of \$1,109.
 - The act-pak at the York Water valve needed to be replaced at a cost of \$333.80.
 - Mrs. Bloom made a motion to approve the total expenses paid to Control Systems 21 in the amount of \$2,213.49; Ms. Kreiss seconded. All were in favor; motion carried.
 - Necessary parts for the sewer pump stations were ordered from Hydra-Numatic at a cost of \$3,546.63. Mr. Kurtz made a motion to approve this expense; Mr. Burkins seconded. All were in favor; motion carried.
 - Work at Sewer #11 (Poplar Springs) was completed by PSI. Miller & Son Septic assisted at a cost of \$750. Mr. Burkins made a motion to approve this expense; Ms. Kreiss seconded. All were in favor; motion carried. We are still waiting for the necessary part to replace the check valve for pump #2.
 - A new blower for Tank #1A/1B was purchased via Authority's emailed approval at a cost of \$18,600 + freight. Ross Lenington of Ross Industrial has ordered the valve & will assist in installation. His labor should not exceed \$1,000. Mrs. Bloom made a motion to approve the blower cost expense; Ms. Kreiss seconded. All were in favor; motion carried.
 - A 10" valve was ordered to replace the bad valve in the blower room of the sewer plant. The cost from L/B Water Service was \$2,223.66. Two repair kits were also ordered from L/B

- Water at a cost of \$232. Mr. Gemmill approved these expenses; Ms. Kreiss seconded. All were in favor; motion carried.
- A new probe was purchased from YSI to correct a problem with calibrating the DO (dissolved oxygen) meter at the sewer plant. The new probe cost \$220; however, it didn't correct the problem. Ms. Kreiss made a motion to approve this cost; Mr. Burkins seconded. All were in favor; motion carried. Due to the age of the DO meter, a group text was sent out requesting approval to trade in the old one for a new at a cost of \$1,300. Mr. Kurtz made a motion to approve the \$1,300 expense; Mrs. Bloom seconded. All were in favor; motion carried.
 - Delivery of 1,036 gallons of heating oil from Tevis Energy for a cost of \$2,263.98. Mrs. Bloom made a motion to approve this expense; Ms. Kreiss seconded. All were in favor; motion carried.
 - Two new pH probes were purchased from USA Blue Book at a cost of \$417.65. Mrs. Bloom made a motion to approve this expense; Ms. Kreiss seconded. All were in favor; motion carried.
 - The chlorine analyzer at Well #7 needed new parts. An order was placed for the necessary parts from Hach Company, in the amount of \$624.24. Mr. Burkins made a motion to approve this expense; Mrs. Bloom seconded. All were in favor; motion carried.
 - Mr. Walker reported the Sewer Plant has again received the Plant Performance Award from Aqua Aerobics for the 8th year in a row (since 2010). Council congratulated him & the staff for their efforts & this achievement.
 - Mr. Walker reported DEP made a surprise visit & inspection at the Sewer Plant recently & found no violations.
7. **MAYOR'S/POLICE REPORT**—Mayor Herzberger did not have a report; however, Mrs. Bloom reported from the recent Intergovernmental Group meeting, where she is a member. Some members want to go to billing hours for Police, rather than PPU's. Nothing has been approved, this is just for discussion among the municipalities. The hours-billing method is easier to track & know where Police activity is taking place. PPU's don't necessarily track where criminal activity is going on. The next Police Commission Meeting is Wednesday, March 6th.
8. **TREASURER'S REPORT**—Stacy Myers reported:
- **A new tenant has moved into Apt C** (upstairs). Does Council want Southern Management Rentals to continue to manage or have Borough staff manage the apartment? Office staff currently manages Apt D and if background checks, credit checks & references can be done on potential tenants, Council is agreeable with Borough staff handling everything. Mr. Gemmill made a motion to allow staff to handle both upstairs apartments/tenants; Mrs. Bloom seconded. All were in favor; motion carried.
 - **Resolution 2019-1**—to participate in York County 2018 Hazard Mitigation Plan to obtain FEMA funding, if necessary, for disaster declarations due to flooding. Mr. Kurtz made a motion to adopt the Resolution; Mr. Ellinger seconded. All were in favor; motion carried.
 - **2018 Audit** began this week.
9. **OTHER BUSINESS**—
- **Resignation of David Dikes** from Hopewell Area Recreation Board as one of the two Borough representatives. Mrs. Bloom made a motion to accept his resignation; Mr. Burkins seconded. All were in favor; motion carried. Notice will be put in the next Borough newsletter for interest of a replacement.
 - **2019 Fire Police request for Dallastown Borough events**—Mr. Burkins made a motion authorizing the Fire Police request for Dallastown's 2019 events; Ms. Kreiss seconded. All were in favor; motion carried.
 - **Borough Association dinner**—March 28th, 2019 @ 6:30p.m. to be held at Seven Valleys Fire Hall. Program will be on blighted properties. Let office staff know who plans to attend.

10. **Adjournment**—Mr. Kurtz made a motion to adjourn the meeting @ 8:13p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary