**Stewartstown Borough Council**

**Meeting Minutes**

**Monday, October 1st, 2018**

**Members Others**

Gordon Wisnom, Sr. Craig Sharnetzka, Solicitor

Kenton Kurtz Jason Brenneman, Engineer

Bill Gemmill Ira Walker, Jr., Sewer & Water

Mike Ellinger Mayor Robert Herzberger

Roy Burkins Stacy Myers, Recording Sec’y

Polly Kreiss

**Visitors**

Bill Amberman

Sam Gemmill

Gina Kreh

Matt Balmer

Scout Troop #27 (14 scouts)

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 September 4th, 2018 Meeting Minutes; Ms. Kreiss seconded. All were in favor; motion carried.
* Financial Statements
  + **General Funds**—Ms. Kreiss made a motion to approve General Fund bills paid September 1st thru September 28th in the amount of $59,494.85; Mr. Burkins seconded. All were in favor; motion carried.
  + **Sewer Funds**—Mr. Burkins made a motion to approve Sewer Fund bills paid September 1st thru September 28th in the amount of $82,194.85; Ms. Kreiss seconded. All were in favor; motion carried.
  + **Water Funds**—Ms. Kreiss made a motion to approve Water Fund bills paid September 1st thru September 28th in the amount of $48,792.44; Mr. Kurtz seconded. All were in favor; motion carried.

1. **PUBLIC COMMENT/VISITORS**—no one to address Council, but 14 boy scouts from Troop 27 (Stewartstown) were visiting, along with their Scoutmasters Gina Kreh & Matt Balmer. The scouts were present tonight working on either their Communication badge or their Citizenship in the Community badge and were required to attend a public meeting. Council welcomed them.
2. **SOLICITOR’S REPORT**—Mr. Sharnetzka reported the following:

* **Ordinance 2018-2—**Dangerous Tree Ordinance has been advertised & is ready for action. Of note, Section 4 deals with private property and obligates the owner “to cut and remove diseased or dangerous trees.” Section 3 talks about removal & trimming of the trees and keeping streets and sidewalks clear. This Ordinance can be enforced by the Codes Enforcement (or Zoning) Officer or Borough staff by mailing notices to the residents. How can preventative measures be taken before limbs fall, causing damage? Mr. Sharnetzka said when it’s obvious the tree is diseased, a notice can then be sent. A tree expert can also be contacted, if the Borough wishes. If it is deemed dangerous and/or hanging over the sidewalk or right-of-way, the Borough can clear it and ask the resident for reimbursement. Mr. Ellinger made a motion to approve Ordinance 2018-2; Mr. Burkins seconded. All were in favor; motion carried.
* **Waiver regarding CGA Law Firm & conflict of interest**—Carroll Independent Fuel plans to purchase the old Shell Station at 62 North Main. Carroll Fuel is represented by Jeffrey Rehmeyer, who is a colleague of Craig Sharnetzka’s. After Carroll Fuel goes to Planning Commission for recommendation to approve or deny a Use & Occupancy Permit in October, they will come before Borough Council. If Council wants Mr. Sharnetzka to advise them regarding this issue, he asks they approve the Waiver so there is no conflict of interest. Per our Ordinance, if a property sits over 6-months, it is considered abandoned; however, Carroll Fuel maintains there has been activity at this site. Mr. Burkins made a motion to accept the Waiver with CGA Law Firm; Mr. Kurtz seconded. All were in favor; motion carried.

Should Council want to review this prior to the meeting, Section 707:C of the Zoning Ordinance discusses replacement of use. The use will remain the same as the Shell Station (gas station/convenience store). The Shell Station was a nonconforming use; it will remain as such. But if too much time has passed (per Section 707:E) it is considered abandoned and the use gets denied.

* **Blighted properties—**updates are as follows:
  + **37 W. Pennsylvania Avenue (Roseberry**)—office staff has no address for Mrs. Roseberry, who supposedly lives with her daughter near Pittsburgh. All mail & notices sent to the property get returned “No Forwarding Address” & the post office has no other known address for her. Office staff has been corresponding with the neighbor and learned a lawn care company has been secured to do cleanup. The company has given a quote for two mowings/mulchings and will bring the property into compliance of the Nuisance Ordinance. A time frame of when this will take place was not given. Due to rainy weather, the company is behind in their work. Mrs. Roseberry has agreed to the neighbor she will pay for this cleanup, but notice must be sent via Certified Mail in order to acknowledge she has received it. Mr. Kurtz made a motion for office staff and Mr. Sharnetzka to proceed with any & all legal means necessary to get notice to Mrs. Roseberry & to bring the property into compliance of the Nuisance Ordinance.

Since all water, sewer & trash bills have been returned and not paid since Mrs. Roseberry left several months ago, water service will be terminated tomorrow, 10/2.

* + **38 W. Pennsylvania Avenue (Halleran)**—Mrs. Halleran had received notice (& pictures) of her overgrown property, including the dead trees, weeds, bushes & grasses. She has received a quote from Grossman’s Lawn Care and secured them to do the cleanup. They confirmed they will remove everything green & all dead trees will be cut down and removed. A general date of “before the end of October” was given to complete the work, due to them being behind schedule due to rainy weather.
  + **85 Cemetery Avenue (Anderson)**—the Certified Mail notice has been returned to the Borough Office, marked “unclaimed”. Staff will send the notice to Mr. Sharnetzka, who will serve Mr. Anderson the notice personally. Mr. Ellinger made a motion authorizing office staff & Mr. Sharnetzka to proceed with any/all legal means necessary to give notice and move forward with the property cleanup.
  + **4 North Main Street (Klinefelter)**—Certified letter has been picked up on 9/20/2018; 15-day deadline for his trash removal/yard cleanup is 10/4/2018.
  + **24 South Main Street (Bailey/March)**—March’s are the current tenants but are in the process of moving out. They stated they will mow the grass one more time before they leave for good. Unregistered vehicles (one has been removed; the other will be when they leave). Office staff will try to search for the owner’s address (the Bailey’s) to correspond with them, as the property will not be cared for once the tenants move. Mr. Kurtz made a motion to proceed with a property lien or legal proceedings, if necessary, for any & all required lawn care & cleanup that is required. Mr. Gemmill seconded. All were in favor; motion carried.
  + **Wierman Plumbing & Heating (High Street)**—Mr. Wierman has been sent letters in the past because of his Nuisance Ordinance violations at his 32 High Street business. The accumulation of water heaters, toilets, and other discarded appliances falls under Section 2 of the Ordinance, but Mr. Wierman told office staff he was told years ago (by the Codes Official at that time) that his “junk” was grandfathered in and he wasn’t required to remove it. Mr. Sharnetzka & Council said his plumbing business was grandfathered in to the Residential Outlying Zone, but not the accumulation of junked appliances. Mr. Wierman does not use the property as a junk yard, but does the fact that he is a plumbing contractor allow him to accumulate the junked appliances in that residential area? Mr. Sharnetzka believes, regardless of his plumbing business, the stored “junked” appliances should not be allowed. Mr. Kurtz made a motion authorizing a letter of violation to be sent from Mr. Sharnetzka’s office. Mr. Gemmill offered to speak to Mr. Wierman personally about a cleanup of his property before any notice is sent. Council agreed to allow Mr. Gemmill to do so & report back at the November meeting. Mr. Kurtz rescinded his motion.
  + **39 Mill Street stormwater issue**—owner hasn’t contacted Mr. Sharnetzka or Mr. Kurtz to discuss the issue.

1. **ENGINEER’S REPORT**—Jason Brenneman reported:

* **Easement for Ben Orlando’s property**—for the stormsewer project next to Roy Burkins’ property. Mr. Orlando asked for work done in return for the easement and talked about replacing the 2 inlets on West Pennsylvania Avenue, extending the pipe & re-doing the swale. Mr. Sharnetzka found there is an existing alley, but some survey work is required to find where the stormsewer exists in that area. If Council agrees to complete this work, it makes sense to move forward with it, being that the two inlets are in bad shape anyway and the piping probably is as well. Jason believes this work will still be in the original budget that was discussed. The work will need to be bid & being that fall/winter is approaching, Jason is proposing a bid opening for January or February & early Spring to complete the work. The survey work, easement & other design documents will take time to complete. Mr. Kurtz made a motion to proceed with the stormsewer project at 26 West Pennsylvania Avenue and get the bid paperwork & survey work completed for a bid opening in February 2019; Ms. Kreiss seconded. All were in favor; motion carried.
* **DCED Grant**—of note, the Stewartstown Borough Authority was denied for the DCED Small Project Grant.

1. **SEWER/WATER SUPERVISOR REPORT**—Ira Walker, Jr. submitted his report, which will be on file with these Meeting Minutes. Borough Council approved the following items:

* Field Service Technician from Hach to provide training to staff at a cost of $1,800. Mr. Gemmill made a motion to approve this expense; Ms. Kreiss seconded. All were in favor; motion carried.
* PA Rural Water has agreed to conduct smoke tests on certain parts of the sewer system where “high level alarms” have been received. Letters will be sent to residents in those areas where tests will be conducted.

1. **MAYOR’S REPORT**—Mayor Herzberger reported:

* At the most recent Police Commission Meeting, the first draft of the 2019 Police Budget was distributed. Of note, two additional officers have been hired as School Resource Officers. Mayor Herzberger stated the budget shows an approximate 16% increase, going from $2,002,000 to $2,315,000, but even with the increased budget, he suspects Stewartstown’s costs should drop approx. 5% in 2019.
* There are a few Reserve accounts at the Police Department and it’s unclear when & how they were established. These will be reviewed and, if the Commission agrees & the funds are not needed, a possible refund or a credit on the members’ quarterly bills may be distributed.
* The Committee that has been formed to amend the Police Agreement has not met yet, but the main goal will be for all members to commit to five years before they can withdraw. There are a few other issues for the Committee’s discussion.

1. **TREASURER’S REPORT**—Stacy Myers presented:

* **Resolution 2018-04**—Compliance with Act 44 Procedures—recommended by Auditor General’s Office to have the procedures on record for review at the time of a pension audit. The pension holder is currently Pennsylvania Municipal Retirement System, but should the Borough want to go with a different company, these procedures must be followed. Mr. Kurtz made a motion to adopt Resolution 2018-04; Mr. Ellinger seconded. All were in favor; motion carried.

1. **VICE-PRESIDENT’S REPORT**—Mr. Kurtz reported four resumes have been received, to date, for the Sewer/Water position. One job interview was conducted; however, the applicant would have liked a better benefit package, in addition to the ability to plow snow (which Stewartstown staff doesn’t do). The job advertisement will run for the next three Wednesdays in all five of the Community Courier publications, in addition to being listed on the Pennsylvania Rural Water website.
2. **ADJOURNMENT**—With no further business before Council, Mr. Burkins made a motion to adjourn the meeting @ 8:15p.m.; Mr. Ellinger seconded. All were in favor; motion carried.

Respectfully submitted by:

Stacy Myers, Recording Secretary