

Stewartstown Borough Council
Meeting Minutes
Monday, August 1st, 2022

Members present

Pam Almony
Donna Bloom
Roy Burkins
Bill Gemmill
David Elwell

Others present

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

Visitors

Felicia Markline
Linda Miller
Josh Myers
Rudy Kocman

Jason Roberts
Michael Clary
Erica Rearich
Taras Vizzi

Kenton Kurtz
Michael Shores
Stephanie Thompson
Dawn Gillispie

1. The meeting was called to order @ 7:00pm followed by the pledge to the flag.
2. **Visitors & Public Comment**—the following were present to address the Board:
 - **Rudy Kocman of Kocman Insurance** distributed a summary of the insurance policy which renews August 1st, 2022 & lists the Borough's current coverage which includes property, general liability, worker's compensation, public officials, umbrella, etc. The Borough's cyber liability coverage is on a separate policy. Rudy reported premiums have decreased this year from 2021, which is great news.
The coverage through EMC Insurance is part of the Keystone/Kocman/PSAB program that the Borough has participated in for almost 20 years, many of which have resulted in the Borough receiving a dividend check, averaging around \$5,000 each. If the program is profitable, the result is a dividend check; however, every participant experiences losses sometimes. If a member continues to have losses or unresolved issues/claims, they can be removed from the program.
PA Boroughs enrolled in the program have gotten back just under \$4.5million collectively over the past 12 years. Authority Chairman Kenton Kurtz asked if Authority members are covered under this program. Rudy stated any elected or appointed official, whether compensated or not compensated, is covered with the EMC policy. Rudy then presented Borough Council with a dividend check in the amount of \$5,393.04.
Mr. Burkins made a motion to renew the policy with EMC for the 2022-2023 year; Mrs. Bloom seconded. All were in favor; motion carried.
 - **Michael Clary of 55 W. Pennsylvania Avenue**—he submitted an application for a driveway permit, but when the application was reviewed by the Borough's Zoning Officer (Wade Portner) a few questions were raised and Mr. Clary was asked to get input from Council. Mr. Clary cut his front yard back approx. 4' and created a temporary parking area where he laid crushed stone. He now wants to pave the area, however, Wade said it's basically a road widening, not a driveway. He wondered if a Land Development Plan should be created & contacted Jason Brenneman for his input. Jason said a LDP is a stretch for such a small area, but agreed, that Mr. Clary is widening the street. The same situation was found when the Borough paved Charles Avenue & there were random wide patches that needed additional paving. It's in the Borough's ROW, so it should be done to street specifications.
In addition, the curb box (in the stone area) needs to be lowered now, because by cutting away his lawn, it now sticks up too far out of the ground. Mr. Clary is willing to pay the cost for it to be lowered. Because many of his West Pennsylvania neighbors have paved parking sections in front of their homes, he didn't think it would be a problem, but whether or not,

permits were obtained by his neighbors would need to be researched & some of them may have been done years ago.

Jason said, most likely, W. Pennsylvania is 50' wide, so the ROW would be 25' from the center line. Craig stated although the Borough doesn't "own" the street, they have the right to use it, so Mr. Clary's proposed paved area would be in the Borough's ROW & not on private property. The question of maintenance & stormwater runoff comes into play—who will do this? Mr. Clary is willing to pay incurred costs & to maintain his area for stormwater runoff. He had also proposed building a retaining wall; however, that would decrease the amount of paved area he has in addition to being within the Borough's ROW. Mr. Clary's idea makes sense & Council doesn't want to discourage him from doing it, but it needs to be done to street specs. An agreement could be created which would outline maintenance responsibilities for the area. That way, there would be no additional risk or cost for the Borough outside possibly maintaining/plowing an additional area. Mr. Clary has offered to maintain it now, but what happens when/if he sells the property? Will future owners do the same or ask the Borough to maintain it? The agreement could be recorded so it runs with the property rather than just the property owner.

After some more discussion, Mr. Elwell made a motion authorizing Craig Sharnetzka to draft an Agreement that would outline the responsibilities of the proposed apron in front of 55 W. Pennsylvania and would also include verbiage that defines the right-of-way; Mrs. Bloom seconded. All were in favor; motion carried.

Craig said an exhibit can be attached to the agreement to clarify the above situation.

- **Pam Almony, 52 N. Main Street**—Ms. Almony addressed Council, not as Council President but as a resident, regarding the landfill that York County Solid Waste is proposing to reopen. She urged everyone to remain calm & respectful to those involved, especially the elected officials of Hopewell Township. Disrespect doesn't get anyone anywhere. Although she has no control over what is posted on social media, Ms. Almony asked that everyone choose their words wisely, as we're all in this together. Stewartstown Borough has no standing on the issue of the landfill, nor the ultimate outcome of the situation. We can, however, show support in other ways & Ms. Almony urged residents to do so. There is a special meeting scheduled at Eureka Fire Hall on August 10th to discuss the landfill & the proposed reopening. If visitors are not township residents, they won't be given the chance to speak at the meeting. YCSWA has been responsive to emails via their website. Hopewell Township's taxpayer dollars will be used to fight this, not the Borough's, but Ms. Almony feels certain the Township Supervisors will approach the situation with their residents in mind. No plan has been presented for approval by YCSWA, but the township is preparing for all possibilities, which is a great start.

3. **Engineer's Report**—Jason Brenneman reported the following:

- **Final Subdivision & Land Development Plan submitted by Thomas Stifler, 20 Trout Lane.** The Borough's Planning Commission recommended conditional approval of the plan based on Jason's letter dated July 22nd, 2022. The applicant (Warehaus) submitted a letter requesting a Waiver of time due to outstanding issues, such as agreements needing to be in place & the required NPDES permit. For that reason, Jason recommends Council not take action on the plan until those issues are resolved.

Mr. Burkins made a motion to approve the Waiver of time extension indefinitely & to table the plan until most of Jason's comments of his July 22nd, 2022 letter are addressed; Mr. Gemmill seconded. Discussion was held.

Warehaus requested the time waiver "indefinitely"; however, some Council members were uncomfortable with that. It doesn't hurt the Borough at all to wait & to have the plan sit, and as Jason stated, if we would put a time limit on it, such as 12 months & the Borough forgets about it, the plan is deemed approved after that 12 months.

Mr. Burkins revised his motion to approve the Waiver of time extension indefinitely, but to review the plan again after 6 months; Mr. Gemmill revised his second to agree. All were in favor; motion carried.

- **High Street Inlet Replacement**—no update yet, as Jason is waiting to hear back from Aaron Manifold regarding pricing.
- **Borough Storm Sewer Map & Analyzation**—no decisions needed on which inlets/pipes should be inspected first. This will be done prior to paving the streets of priority; however, no paving is planned for this year.
- **Hotel Land Development Plan**—no update
- **Borough Mapping/Diamondmaps**—Jason has gotten this set up. The monthly fee is cheaper than expected, at \$34/month rather than \$64/month. Jason has started adding some information to the mapping application & will continue to report on it.
- **Mountain Research, LLC**—they approached office staff with the request to install a 2” diameter well in the Borough ROW at 51 S. Main Street (or Winters Avenue) for the purpose of monitoring/sampling groundwater, as there had been a gas tank that leaked beyond the property lines. Their research will show how far the leak has traveled. Ira said there are a number of these monitoring wells installed already, one being on Camelot Court. The company monitors the wells on a quarterly basis for a few years before the well is abandoned & cemented (or paved over). The area that Mountain Research is referring to is a bit unclear, whether Main Street (a State road) or Winters Avenue. The company has approached property owners about installing the well on private property; however, no one accepted their offer. Jason recommended the well be installed out of the ROW, in the sidewalk, but that’s approaching private property also and Winters Avenue has no sidewalks. Craig believes Mountain Research is going to have to get approval from property owners since residents are responsible for maintenance/repair of their sidewalks. After some discussion, Council requested Jason email Mountain Research stating, after discussion at the Council meeting, more clarification would be needed; however, Council is leaning towards not allowing the well to be installed.
- **At this time**, Jason Brenneman left the meeting.

4. **General Business**

- **Approval of Meeting Minutes**—Mrs. Bloom made a motion to approve the July 5th, 2022 Meeting Minutes; Mr. Burkins seconded. Mr. Elwell requested a revision, under Engineer’s Report, 5th bullet point, Memory Lane alley discussion, from “*approached by new Memory Lane residents (Irvin’s)*” to “*approached by Memory Lane residents*”. A few Memory Lane residents approached Mr. Elwell about the situation discussed, so he didn’t want to name only the Irvin’s. Motion carried with this correction.
- **Approval of Financial Statements**
 - **General Funds**—Mrs. Bloom made a motion to approve General Fund bills dated July 1st thru July 29th, 2022, totaling \$108,264.95; Mr. Elwell seconded. All were in favor; motion carried.
 - **Sewer Funds**—Mrs. Bloom made a motion to approve Sewer Fund bills dated July 1st thru July 29th, 2022, totaling \$152,688.94; Mr. Burkins seconded. All were in favor; motion carried.
 - **Water Funds**—Mrs. Bloom made a motion to approve Water Fund bills dated July 1st thru July 29th, 2022, totaling \$59,889.29; Mr. Elwell seconded. All were in favor; motion carried.

5. **Solicitor’s Report**—Craig Sharnetzka reported the following:

- **Sample of a modernized Nuisance Ordinance** had been sent to Council for their review. If anyone has questions regarding that, they can be emailed to Stacy who will then forward them to Craig in one combined email.

- **Letter to 15 Springwood Avenue residents** regarding the work that was done there has been sent. No response has been received yet; Craig will follow up.
 - **New Fireworks Regulation, Act 74 of 2022**—this is not effective until September 9th, 2022 but Governor Wolf did sign the new law, further restricting the use of consumer fireworks. Some revisions include:
 - Cannot use them within 150’ of a building or vehicle regardless of whether the building or vehicle is owned by the individual using the fireworks.
 - Gives local municipalities greater discretion. If they want to govern it, it permits them to require a permit for the consumer fireworks or prohibit them with the 150’ restriction listed above.
 - Subject to two or three holidays, it restricts the use of fireworks from 10pm-10am.
6. **President/Vice-President Report**—Ms. Almony & Mr. Burkins reported:
- Borough street cleaning is complete & it went well. The invoice from New Freedom has not been received yet.
 - Reminder—the YCSWA meeting regarding the landfill will be held at Eureka Fire Hall on August 10th.
 - Eureka Carnival & parade went well.
 - Police Office sump pump issue—there were two incidents (one in January, one in June) in which the pump backed up in the Police garage downstairs. The Borough spent \$5,000 in deductibles (\$2,500/each) for the two incidents. Impact Disaster Services had cleaned the office each time and the Borough paid the cost, minus the deductible. Rags/wipes were found to be the culprit of the backup. After reporting the incidents to the Police Commission, they made a motion to approve the \$5,000 reimbursement to the Borough; however, after finding out that the two office bathrooms on the 1st floor were also connected to the sewer pump downstairs, Mr. Burkins suggested the Borough split the cost of the deductible & only request \$2,500 from SRPD. Because it can’t be proved where the wipes came from that clogged the pump, Council agreed.
Mr. Burkins made a motion to approach the Police Commission & suggest splitting the deductible cost 50/50, each paying \$2,500; Mr. Gemmill seconded. All were in favor; motion carried.
7. **Treasurer’s Report**—Stacy Myers reported that Dawn Gillispie (43 High Street) submitted a request to serve on the Borough’s Planning Commission. Mrs. Bloom made a motion to appoint Dawn Gillispie to the Commission; Mr. Burkins seconded. Mr. Elwell had asked staff if an Ordinance was created when the Planning Commission was formed, per Act 247 requirements. The Ordinance would set the number of committee members for the Commission, which is currently at 5 members. If the Ordinance cannot be found, another one can be created to increase the number of members or Council could appoint Mrs. Gillispie as an alternate by adopting a Resolution. Craig read from the Act, which states “the governing body may appoint by Resolution at least one, but not more than three residents to serve as alternate members of the Planning Commission”.
Council agreed to table this discussion until the September meeting, as a new Ordinance would still need to be drafted (to increase the number of committee members) or a Resolution adopted to allow alternate members. There will be a vacancy at the end of 2022, as the member’s terms run for a period of 4 years. If a current member does not wish to serve again, Mrs. Gillispie can be appointed at that time. Mrs. Bloom withdrew her motion; Mr. Burkins withdrew his second.
8. **Sewer/Water Supervisor Report**—Ira Walker, Jr. presented his report. All expenses will be presented to the Sewer & Water Authority for action.

9. **Mayor's/Police Report**—Mayor Barnette reported for July:
- Thank you to Eureka for another great carnival & parade! Ira Walker, Jr. has served as coordinator of the carnival & parade for approx. 30 years prior to this year, when he passed the job over to Josh Rager. Kudos to everyone who volunteer their time to make the event a success & Eureka's largest fundraiser!
Mayor Barnette stated she had some great discussions with people who attended the carnival.
 - She recently attended an Eagle Scout Court of Honor ceremony which was very special. There were 3 Eagle Scouts who were honored, all of whom completed projects in the area:
 - Lucas Moran did the landscaping around the flagpole at HARP which included a retaining wall & flowers.
 - Connor Moran painted the curbs (approx. 1,800') around the Borough
 - Brendan Martinez painted half of the fire hydrants in the Borough
 - Concerning the Police Commission--Glen Rock Borough will be transitioning from a member to a contract customer. A Negotiating Committee consisting of Mayor Mike Sharkey, Erica Rearich & Donna Bloom has been formed, who will work to hopefully come to an agreement with Glen Rock.
 - SRPD opted into a co-responders program paid for by York Adams Mental Health & the officers have already used this as a resource. When a call comes into SRPD where mental health may be a factor, the officer can call into the center, and someone equipped to handle such situations can go on the call as well.
10. **Committee Discussions/Other Business**
- Mrs. Bloom said negotiations with Glen Rock Borough continue, as their Council is researching a budget amount that's comfortable for them. The Negotiating Committee is discussing bringing Glen Rock in as either a contract member or in a different capacity; however, they're under the current contract until 2023. More will be reported as it's learned.
 - Mill Street RR crossing—Mr. Gemmill had met with John Nolan since the initial discussion. The railroad only has \$5,000 to put towards the Mill Street project. Originally, pricing for the panels to be used for the project came in under \$30,000, but after Mr. Nolan stated additional ties & rails would be needed, as well as ballasts, treated timbers, disposal of the old ties & necessary concrete, total costs could be around \$100,000 or more. All the additional items were never discussed, but Mr. Nolan said the details of the construction concern him because of the extent of it. The project will be put on hold right now because it got more involved than originally planned & discussed.
Mr. Elwell mentioned a grant for companies bringing additional tourism to York County. Since Stewartstown Railroad is "for-profit", he will pass along the information to Mr. Gemmill & the rest of Council for their review.
 - Mr. Gemmill obtained a price of approx. \$1,700 to insulate the Executive Session room. This will be on the September meeting agenda for further discussion.
 - Blighted Properties Summary—Ms. Almony urged Council to review the summary & send any questions/concerns to Stacy via email. This will be on September's meeting agenda.
11. **Executive Session**—Mr. Burkins made a motion to recess to Executive Session @ 8:35pm to discuss a personnel issue; Mr. Elwell seconded. All were in favor; motion carried.
Mr. Burkins made a motion to reconvene @ 8:52pm; Mrs. Bloom seconded. All were in favor; motion carried. No decisions were made in Executive Session; no action was necessary.
12. **Adjournment**—With no further business before Council, Mr. Burkins made a motion to adjourn the meeting @ 8:54pm; Mr. Gemmill seconded. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary