

Stewartstown Borough Council
Meeting Minutes
Monday, March 7th, 2022

Members present

Pam Almony
Donna Bloom
Polly Kreiss
Kimberly Carl
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

Kenton Kurtz	Linda Miller	Felicia Markline
Erica Rearich	Jason Roberts	Ken Anderson
Melissa (resident of Fawn Grove)	Irv Betch	

1. The meeting was called to order @ 7:00p.m. followed by the pledge to the flag.
2. **Public Comment/Visitors**—
 - Erica Rearich addressed Council as a representative of the New Freedom Intergovernmental Committee, but she's also a new Council member in New Freedom Borough. Erica had visited two years ago, introducing The Intergovernmental Committee as a means to create a good relationship between the municipalities, allowing for shared equipment (street sweeper, etc.) & more attractive grant opportunities as shared applicants.
 - 3 Kennard-Dale students (Elijah, Jack McShane & Ellie) addressed Council about possibly creating a skate park somewhere within the Borough. Although Council members agreed that this type of activity would keep kids occupied, out of trouble & active, there isn't a lot of area available in the Borough to create a skate park. Council suggested the students contact HARP or Hopewell Township, as they may have more available space for this activity.
3. **General Business**
 - **Approval of Meeting Minutes**—Ms. Kreiss made a motion to approve the February 7th, 2022 Meeting Minutes; Mrs. Bloom seconded. All were in favor; motion carried.
 - **Approval of Financial Statements**
 - **General Fund**—Mrs. Bloom made a motion to approve General Fund bills dated Feb 5th thru Mar 5th, 2022, totaling \$68,723.24; Ms. Kreiss seconded. All were in favor; motion carried.
 - **Sewer Fund**—Ms. Kreiss made a motion to approve Sewer Fund bills dated Feb 5th thru Mar 5th, 2022, totaling \$45,824.42; Mr. Burkins seconded. All were in favor; motion carried.
 - **Water Fund**—Mrs. Bloom made a motion to approve Water Fund bills dated Feb 5th thru Mar 5th, 2022, totaling \$59,701.81; Ms. Kreiss seconded. All were in favor; motion carried.
4. **Solicitor's Report**—Craig Sharnetzka reported:
 - **Charles & Linda Wierman/Ovelton Avenue property**—-to be discussed in Executive Session at the end of tonight's meeting.
 - **Sidewalk Ordinance**—Craig didn't have anything additional to report regarding the proposed Ordinance revisions, but Ms. Almony stated that at the recent PSAB Boot Camp virtual training, sidewalks were a hot topic. A Borough or Township is at a higher liability rate for not addressing sidewalk problems & violations of their Sidewalk Ordinance. Although it's an issue that shouldn't be rushed, Ms. Almony stressed the need for Council to come to a decision about the revisions to the Ordinance. She reviewed the multimodal grant

for which sidewalks can be funded, at least partly as it's a 30/70 matching grant with 30% funding coming from the municipality. The minimum project amount for the multimodal grant is \$300,000. Although the grant process is a huge undertaking, it may be worth trying to get some funding. PSAB & Kristin Phillip-Hill's assistant, Tom Metz are two avenues that Council can pursue for direction on applying for the monies. We have to look at the timeframe for the grant application/award, because they may run on a spring to fall basis. So, if we want to obtain 2023 funds, the research & applying for those funds should begin now. Mrs. Carl is in the process of reviewing the Borough's Comprehensive Plan & the projects that were selected as part of the plan, sidewalks being one, but she agreed, it's not something that should be rushed.

PSAB stated that data collection from residents & certain wording can make an application more favorable. In the past, Stewartstown found it difficult to collect certain data from residents because they didn't want to disclose certain things; however, it's something the grant reviewers look for. Ms. Rearich, from New Freedom Borough stated that Shrewsbury Borough is currently working on a grant for their sidewalks so that may be an opportunity for Stewartstown to apply as a co-applicant which may increase the chances of a grant award. Of note, in the new Sidewalk Ordinance, once completed, enforcement is flexible. The requirements can be enforced by a designated Borough official, the Codes/Zoning Officer & the Mayor, if necessary.

Although not a legal requirement, Mr. Elwell suggested creating a short notification to residents that Borough Council is in the process of revising the Sidewalk Ordinance & that they're aware there are areas of disrepair, etc. He will work on the notification for the next newsletter.

- **1 South Main Street Sidewalk**—Borough staff took pictures of the sidewalk that is in disrepair. As directed by Council last month, Atty. Sharnetzka reviewed the existing Ordinance & found that it's very clear the sidewalk at the apartment building doesn't meet the maintenance standards addressed in the Ordinance. However, there is a 60-day notice required for fixing the sidewalk and the maintenance period from November 15th to April 30th doesn't count towards the 60 days. Even if a letter was sent right now, the property owner is outside the maintenance timeframe & the 60 days wouldn't begin until April 30th. The only exception to that timeframe restriction would be an emergency repair in which 96-hours' notice is required. The sidewalk at 1 South Main has been falling into disrepair for some time & Council/staff don't believe it qualifies as an emergency repair. More on this later.
- **Mayor Barnette attending PSAB Conference**—Last month, Council approved to pay the conference cost of \$250 for the Mayor to attend the Annual PSAB Conference in Hershey. Council wanted direction from Atty. Sharnetzka on whether a limit could be put on spending for hotel costs. Mr. Sharnetzka said Borough Code permits the Mayor to attend the annual conference, educational conference, etc.; however, the Code doesn't state the Borough "shall" pay, it's not required. Council can decide what & how much to pay such as mileage, lodging, meals, conference costs, etc. Borough Code does specify mandatory payment of fees incurred by at least one Council member attending the conference, but payment for the Mayor's fees are not mandatory.

After much discussion on costs, some Council believed the lodging was too expensive at \$200/night & an hour's drive to Hershey & back for the 4-day conference wasn't unreasonable. The Borough could reimburse the Mayor for mileage (at the current State rate). Mayor Barnette said she found a hotel for \$109/night, but it was 20 minutes away from the conference venue. Mr. Gemmill said if the Mayor is willing to attend & come back to share the knowledge she learned, he believed the Borough should pay.

Mrs. Carl made a motion to reimburse the Mayor's hotel expenses if a hotel is found within 5-6 miles from the conference venue. The motion died for lack of a second.

Ms. Kreiss made a motion to impose a \$400 stipend for the Mayor's expenses, in addition to the Borough paying the cost of the conference (\$250); Mr. Elwell seconded. Motion carried with Mr. Gemmill opposing.

- **Road salt**—at last month's meeting, Gordon Wisnom offered to store road salt at his Mill Street location in the event that the snowplow contractor would need it in a weather emergency so they wouldn't have to travel to their New Freedom facility for more salt. Being that the offer is based on a safety issue, Mr. Sharnetzka didn't have a problem with it, but the Borough bid the contract with the stipulation that the contractor store the salt at their own facility. He wanted Council to be aware that another bidder (who wasn't awarded the contract) may feel this is a competitive advantage to the contractor who was awarded. If ARCC (current snowplow contractor) wants to take advantage of Mr. Wisnom's offer, the arrangement would be between the two of them.
- **Email addresses for Council members, Authority members & Mayor**—based on a Commonwealth Court case from 2011, Mr. Sharnetzka stated that if an elected or public official utilizes personal email for Borough purposes & there's a Right-to-Know request, that information on a personal computer can be subject to the RTK law. It's an additional monthly expense of \$187.50 + backup for the 15 new email addresses, but Mr. Sharnetzka believes it's a good idea for security purposes.

Mr. Burkins made a motion to move forward with setting up the emails for all 7 Council members, Mayor Barnette & 7 Authority members. Mr. Gemmill seconded. All were in favor; motion carried.

5. **Engineer's Report**—Jason Brenneman reported:

- **2022 Road Work**—He's currently working on the bid specs for High Street & George Street. Construction of townhomes is currently taking place on George Street, so the area is a mess & there would be no way for a contractor to access the area to pave. The developer of the townhomes must have 5 or 6 of the units sold before construction on the 2nd building of townhomes will start. Jason doesn't foresee the 2nd building being started until the end of summer & road work must be done by October 31st for the Borough to use Liquid Fuels money. How does Council want to proceed? Put George Street repair on hold this year? Bid it out to see how the bids come in & then deny unfavorable bids at that time? Jason recommended proceeding with bidding for both High & George Streets as costs wouldn't be much more for two streets when already bidding High Street. Core sampling reports from ECS can be used next time if the bids are turned down.
- **Traffic Study cost/Winters Avenue One-Way**—Jason obtained an estimate of \$1,000 from TRG for a traffic study to be conducted on Winters Avenue. Once completed, the Borough could adopt a Resolution making the street one-way based on the outcome of the study. Mr. Burkins suggested waiting on the study to see what Hopewell Township plans to do with the 14 acres beyond Winters Avenue.
- **15 Springwood stormwater work**—this project was previously approved & Manifold Excavating has received the pipe that was on backorder for some time. The resident is anxious to get the repairs done now that nicer weather is here. Mr. Burkins made a motion to move forward with Manifold to complete the project; Mrs. Bloom seconded. All were in favor; motion carried. Of note, the quote obtained by Manifold Excavating is under the bidding threshold.

6. **Sewer/Water Supervisor Report**—Ira Walker, Jr. submitted his report. All expenses have or will be presented to the Authority for approval. Authority Chairman Kenton Kurtz was present tonight & encouraged the Council members on the Sewer & Water Committee to attend the Authority meetings, held the 3rd Wednesday of each month @ 7:00p.m.

7. **Mayor's/Police Report**—Mayor Barnette reported:

- Current K-9 Ransom Fundraiser ends tomorrow, March 8th. The K-9 program is funded exclusively by community donations. Another fundraiser will be held March 10th at Sons of Sicily in Shrewsbury. Mayor Barnette can arrange for Ransom to visit at a Council meeting if Council wishes.
- Finance Committee Meeting was held February 15th. Discussion was held on a new vehicle purchase. A good deal on a vehicle can be obtained through the CoStars contract.
- Chief Boddington reported, out of the 52 school days this year, there were 82 school bus violations, such as motorists going around school buses when lights/sign are on. This is occurring in both Southern School & Southeastern School Districts. A reminder of driving safety around school buses can be put in the next Borough newsletter.
- Glen Rock Borough held a town hall meeting regarding SRPD Commission membership costs. Mayor Barnette had the information that was distributed at that meeting; however, there are no cited sources for the data.
- Intergovernmental Committee met twice this year to date; Mayor Barnette had information from both meetings. The Committee feels that patrolling time should be left up to the Chief. Currently, there's sort of a "gentleman's agreement" that the cost of anything over 500 hours would be shared between all members, but this is not listed in the IGA, so this is being discussed, as well as staffing & other costs. The Councils of all 4 municipalities must agree before the IGA is approved.
- Mason Dixon Library held a Board Meeting on February 10th that Mayor Barnette stated was very informative. MDL is independent from York County Library System which gives them more control over how their funds are used. They meet the 2nd Thursday of each month should anyone want to attend.
- Mayor Barnette reported the recent 2-day virtual Boot Camp event offered great questions & great discussions.
- NIMS (National Incident Management System) training is required by all elected officials. A minimum of the NIMS 100 & 700 courses are required in the event there is a national disaster & the Borough applies for federal funding. Of note, the Borough doesn't currently have an Emergency Management Coordinator since the former person experienced health issues. There is a good bit of training involved for the position, followed by the person being appointed by the Governor.
- Mayor Barnette submitted notification to Council that she is now able to officiate wedding ceremonies & can charge a fee, not to exceed \$150/event. She must keep record of the events including the couple's names, date & amount of fee charged and submit this record to Council on a quarterly basis.
- Mayor Barnette would like to expand on the Welcome Packet Information sent to new Borough residents that would include a welcome letter from herself, an invitation to attend Council meetings, etc. She would like to deliver these herself in an effort to meet new people & welcome them to the community. Kenton Kurtz stated his wife, Nancy Kurtz offered to assist the Mayor with this. Borough staff can keep the Mayor informed when new residents move to town.

8. **President/Vice-President Report**—Ms. Almony reported:

- **Christmas lights/Dorn Electric line upgrade proposal**—as Council had questions on some of Dorn's options, this will be kept on the table for now. There's no hurry, so clarification can be sought from Dorn. Mrs. Carl said this may be a good project for Economic Development to research as grant money could possibly be obtained for some of the cost.
- **Future of movie theater lot**—if Council wants to sell the lot & recoup some of the cost spent to demolish the theater, Mr. Sharnetzka said it must be put out for bid & a minimum bid can be required. Mr. Burkins made a motion to put the movie theater lot out for bid with no

reserve/minimum bid; Mrs. Bloom seconded. Council can reject any & all bids when they're received. Discussion was held as to what could be put on the vacant lot. Mr. Sharnetzka said the movie theater was most likely, a pre-existing nonconformity, so the Zoning Ordinance must be followed for future development.

Mrs. Carl said she believes more discussion should be held prior to selling the lot. As she's researching the Comp Plan from 2011, she believes the lot is an asset & all avenues should be exhausted prior to selling.

A vote was taken on the above motion. Motion carried, 5-2 with Elwell & Carl opposing.

9. **Treasurer's Report**—Stacy Myers reported:

- **York County Boroughs Association Dinner/Meeting** will be held March 24th @ 6:30pm at the Stewartstown American Legion. Any Council wishing to attend should let Stacy or Missy know by March 17th.
- **Fire Police requests for Jacobus Lions Club**—Mr. Burkins made a motion to approve the following requests; Mr. Elwell seconded. All were in favor; motion carried.
 - April 3rd—Cancer Crushin' 5K Walk
 - April 23rd—Car Show
 - July 4th BLAST

10. **Other Business**—

- Mrs. Carl stated she's very anxious for the Economic Development Committee to meet to discuss ideas & opportunities for the town. Economic Development is a part of the Public Property & Refuse Committee. As there are several apartment buildings in town, Mrs. Carl said "mixed use" properties have a great potential for property owners because they hold more value when there is both a residential & a commercial use in one property. There may be grant opportunities to revitalize these types of properties and she would like to pursue that in discussion with Committee members as well as by welcoming citizen participation to form ideas to bring to Borough Council as recommendations.

Mrs. Carl made a motion to allow citizen participation on the Council Committees with the exclusion of the Personnel Committee; Mrs. Bloom seconded. All were in favor; motion carried.

Mrs. Carl will get with Ms. Kreiss & Mr. Burkins (members of the above-stated Committee) to schedule a meeting night to get discussions started.

A list of all Borough Council Committees are listed at the end of these Meeting Minutes.

- Visitor Jason Roberts urged Council to consider adopting Robert's Rules of Order for the Council meetings in an effort to bring order & allow everyone the time & courtesy to report their ideas & thoughts. Council President Almony said it was discussed at a previous meeting & majority of Council didn't believe it was necessary to formally adopt Robert's Rules. This is a new Council as of January 1st, 2022, and she would like the opportunity of time for everyone to mesh together with their ideas & thoughts.

11. **Executive Session**—Mrs. Bloom made a motion for Council to recess to Executive Session @8:58p.m. to discuss the Stewartstown-Wierman legal matter. Ms. Kreiss seconded. All were in favor; motion carried.

Mrs. Bloom made a motion for Council to reconvene @ 9:12p.m. Ms. Kreiss seconded. All were in favor; motion carried.

Mrs. Bloom made a motion authorizing Atty. Sharnetzka to settle the Stewartstown vs. Wierman case by recouping the Solicitor's costs that the Borough spent in this case. Mr. Elwell seconded. Motion carried, 5-2 with Burkins & Gemmill opposing.

12. **Adjournment**—Mr. Burkins made a motion to adjourn @ 9:13p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary