

**Stewartstown Borough Council**  
**Meeting Minutes**  
**Monday, March 1<sup>st</sup>, 2021**

**Members present**

Polly Kreiss  
Donna Bloom  
Brittany Barnette  
Pam Almony  
Roy Burkins  
Bill Gemmill  
Gordon Wisnom, Sr.

**Others present**

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

**Visitors**

Linda Miller  
Jason Roberts  
David Elwell

1. The meeting was called to order @ 7:00p.m., followed by the pledge to the flag.
2. **General Business**
  - **Approval of Meeting Minutes**—Mr. Burkins made a motion to approve the January 4<sup>th</sup>, 2021 Meeting Minutes; Mrs. Bloom seconded. All were in favor; motion carried.
  - **Approval of Financial Statements**
    - **General Fund**—Mrs. Bloom made a motion to approve the General Fund bills dated January 1<sup>st</sup> thru February 26<sup>th</sup>, 2021 totaling \$177,244.51; Ms. Kreiss seconded. All were in favor; motion carried.
    - **Sewer Fund**—Mr. Gemmill made a motion to approve the Sewer Fund bills dated January 1<sup>st</sup> thru February 26<sup>th</sup>, 2021 totaling \$147,621.89; Mr. Burkins seconded. All were in favor; motion carried.
    - **Water Fund**—Ms. Kreiss made a motion to approve the Water Fund bills dated January 1<sup>st</sup> thru February 26<sup>th</sup>, 2021 totaling \$137,436.10; Ms. Almony seconded. All were in favor; motion carried.
3. **Visitors & Public Comment**—no one to address Council
4. **Engineer's Report**—Jason Brenneman reported the following:
  - **George Street Townhouses**—in 2009, Borough Council conditionally approved John Huenke's subdivision plan for two 6-plex buildings on George Street (across from Shawnee Drive). The only condition was for John to post public surety. Everything is moving forward with this now; John has installed public water & sewer laterals & is ready to post the public surety. He asked Jason about the possibility for Council to waive the sidewalk requirements of the Borough's Subdivision & Land Development Ordinance (SALDO). John has approx. 400' of property frontage where sidewalks would be installed, but both ends of sidewalk would end in grass and not connect to anything. In lieu of installing sidewalks, John agreed to pay the \$4,500 (his sidewalk installation cost) towards paving the street. Jason had estimated the Borough's sidewalk installation cost at \$12,800, but John, being a contractor said he could get better pricing, so he quoted \$4,500. If Council wishes, John agreed to install the sidewalks, but being they don't connect anything he didn't see the need. Council feels if the sidewalks are waived in this area, it sets a precedence for other future developments.  
Mr. Burkins made a motion to enforce the SALDO and request John Huenke install the sidewalks in front of his duplex; Mr. Gemmill seconded. All were in favor; motion carried.

Also, concerning this project, Jason met with John Huenke and his contractor this morning to discuss paving & trench restoration for the sewer/water trenches. The contractor estimated a cost of \$8,000 to finish trench restoration, which Jason agreed with. But rather than fixing the trenches now, John is willing to pay the \$8,000 towards street paving (when the Borough bids this project) rather than restore the trenches at this time.

Jason obtained a price of \$25/yd for street restoration, which will include grinding off the top layer of the street and mixing it with a cement material before finishing with 2" of blacktop. This will create a good strong base for the street with very little stone at a lesser cost. The cost to repair the approx. 1,600 sq. yd. of street would be \$40,000. (from Pennsylvania Avenue to the two inlets & including section of despair at Shawnee & George). J.A. Myers contributed \$16,000 for not completing some of that work + John Huenke's \$8,000 contribution, the Borough would pay the approximate \$16,000 difference.

Gemcraft Homes is ready to move forward with obtaining building permits but cannot until the plan is reapproved. The plan needs to be updated to show the sewer & water that have been installed & Jason said the plan can be reapproved tonight on the condition that he, Ira & Craig are satisfied with everything that needs completed. The contractor estimates 4-5 months to complete this project.

Craig Sharnetzka looked at the plan & said although Council conditionally approved it in 2009, the Permit Extension Act extends the approval through July 2021. An agreement should be created to document John Huenke's \$8,000 contribution and any other language Craig deems necessary.

Mrs. Bloom made a motion to reapprove the plan contingent upon review & approval by the Engineer, Solicitor & Public Works, public surety being in place and an agreement accepting the \$8,000 contribution; Ms. Almony seconded. All were in favor; motion carried.

Borough Council agrees to wait to bid the street work until John Huenke's townhomes are complete.

- **Refinance Spreadsheets**—as part of the Borough Bond refinance process, Jason was required to create spreadsheets showing sewer expenses and revenue based on potential sewer rate increases, plant updates, future developments, etc. projected through the end of the loan (2028). The following scenarios were presented:
  - No rate increase—results in a negative \$-794,610 cash flow by end of 2028
  - 10% rate increase—results in a negative \$-52,520 cash flow
  - 15% rate increase—results in a positive \$318,525 cash flow
  - 20% rate increase—results in a positive \$689,569 cash flow

The first spreadsheet showing a positive net cash flow (15% rate increase) will be forwarded to the Legal Counsel for the refinance process.

There are approx. 500 new customers anticipated coming onto the sewer & water system which will help revenue, but any fee increase would be the decision of the Sewer & Water Authority.

Mr. Burkins made a motion to approve Ordinance 2021-01 (Authorizing & Securing the Issuance of a General Obligation Note in the Principal Amount of \$1,564,000) and to authorize the Council President & Borough Secretary to sign the Ordinance which will move the refinance process of the Borough Bonds forward; Ms. Almony seconded. All were in favor; motion carried.

The Borough needs to approve the refinance due to them being the Guarantor in the event the Sewer & Water Authority wouldn't pay. Of note, the Bonds will be refinanced at a fixed rate of .81% with no prepayment penalty.

- **Kurtz School Villas**—this development on Kurtz School Road that includes 24 townhomes + 4 single-family homes has been approved by the Authority for sewer & water extensions. As part of the paperwork, Council must sign the Exhibit A's for the sewer & water extension.

Ms. Almony made a motion to approve & sign the Exhibit A's; Mrs. Bloom seconded. All were in favor; motion carried.

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

- **Revised Draft Ordinance**—regulating street openings & excavations is before Council for review and authorization to advertise. Jason also reviewed it & added some language regarding street overlay & a revision to the inspection fee.  
Ms. Almony made a motion authorizing the advertisement of this Ordinance; Mrs. Bloom seconded. All were in favor; motion carried.
- **Update on old theater**—after the 1<sup>st</sup> highest bidder couldn't obtain title insurance because of William Neal having a pending appeal of the bankruptcy conversion from Chapter 13 to Chapter 7, the trustee went to the 3<sup>rd</sup> & 4<sup>th</sup> highest bidders who now have no interest in buying the theater. The Borough was the 4<sup>th</sup> highest bidder with a bid of \$20,500 so they can move forward with the purchase. The Borough's underwriter said the same thing that, due to the pending appeal, they wouldn't insure title. Craig spoke to our bankruptcy attorney, who said he sees no reason that the trustee is not able to sell the property or the appeal getting overturned. He's comfortable giving the Borough advice to move forward with the purchase. Our title insurer won't insure it, so we would purchase it without insurance. If Mr. Neal's motion on appeal gets denied, the title company would then insure it. Borough staff can reach out to York County Economic Alliance in regard to obtaining grant money for demolition of the theater. This can be discussed further once the purchase is complete.  
Mr. Gemmill made a motion to purchase the theater from the bankruptcy trustee; Mrs. Bloom seconded. All were in favor; motion carried.
- **43 Church Street update**—in January, Craig sent a Nuisance Ordinance violation letter to the property owners. Since then, many of the outside items have been removed or moved to the rear of the house. Craig went past the house today and said the driveway is clear & the items around back aren't visible from the street. Council would like to continue to monitor the property.
- **61 N. Main Street**—Craig sent a letter to the landlord regarding the vehicle with no current registration/tags that's parked in the front yard. The car is still in the front yard, but the tenant covered it with a tarp that has now blown off. Craig will contact the property owner again.
- **Fireworks issue**—in February 2019, Shrewsbury amended their Nuisance Ordinance to prohibit the use of consumer fireworks after 10pm and before 7am. This is still a difficult thing to enforce as the fireworks could stop by the time a Police Officer arrives at a property. A complainant must have an accurate property address and/or name where the offense is taking place and be willing to file a complaint in writing.  
If Council wants to move forward with adding this to the Nuisance Ordinance, Craig suggested amending the section outlining how a notice or violation letter must be given/delivered to a property owner.  
Ms. Almony made a motion authorizing Craig Sharnetzka to work with Borough staff to amend the Nuisance Ordinance to include fireworks and to amend other areas of the Ordinance that they deem need updated; Mrs. Bloom seconded. All were in favor; motion carried.
- **Snow Removal Contract**—the Borough's contract expires November 2021. Craig will give staff a draft contract that CGA wrote. It can be reviewed for the upcoming contract that will be bid around September or October 2021. CGA's draft includes a penalty provision that if the plow company misses an area or receives complaints, it must be rectified. Ms. Almony stated after the last snowstorm, Borough roads were bad, several of them still snow & ice covered with no salt at all. She received copies of Kunkle's snow removal invoices from

office staff, along with the Morton Salt invoices that shows how much the Borough purchased.

- During the 2018/2019 season, the Borough purchased 140 tons of salt & used 39½ tons (per Kunkle invoices showing what he spread).
- During 2020/2021 season, the Borough purchased 175 tons and used 44 tons (per Kunkle invoices of what he spread).

Why isn't more salt being put on the roads if so much is ordered? Mr. Wisnom said there is approx. 70 tons of salt currently in the salt bin on Gordon's Service Center property. The CoStars contract that the Borough uses to purchase salt, requires a minimum of 100 tons (plus an option for an additional 40 tons) to be purchased.

There's no way for Larry Kunkle to measure the tonnage of salt, other than knowing what his equipment holds at one time. There's no accountability to when or how much salt Kunkle's is actually spreading, but it's evident by the complaints that office staff received that there isn't enough salt used on the roads and the plowing has been unsatisfactory this year. Mr. Burkins is aware that Kunkle's is very short-staffed this year, but the contract holder must be able to do a satisfactory job, making the streets safe after a snowfall.

Mr. Wisnom asked the Streets & Roads Committee to research the salt usage & billing. For the future snowplow contract, a stipulation can be added that the contract holder store their own salt. The Borough will still purchase it, but the contract holder must store it on their own property.

6. **Sewer/Water Supervisor Report**—Ira Walker, Jr. presented his report. All expenses have been or will be presented to the Authority for approval.
7. **Mayor's/Police Report**—
  - Mayor Kurtz received 17 letters from 7<sup>th</sup>-grade students at South Eastern Middle School with concerns/questions on various subjects like speeding, no sidewalks in certain areas, littering, the suggestion of Police raises, possibility of a dog park, etc. Mayor Kurtz said 8 students out of the 17 live in the Borough. He tried to respond to the teacher directly; however, she is no longer at the Middle School.
  - Mr. Burkins reported that the recent newspaper article regarding an SRPD Officer being present during the Capitol Building riot has been resolved.
8. **President/Vice-President Report**—During a recent boiler inspection at the Borough Office, some repairs were requested. The boiler system is very antiquated, and Mr. Gemmill said it would be easier to replace the old unit with a new one. He estimated the cost for a new unit to be \$7,200-\$7,300. He also said the current boiler only heats the 2<sup>nd</sup>-floor apartments; it heats nothing on the first floor. Going forward, he believes the gas bill should be paid by the tenants in the two apartments. The square footage of each apartment can be figured into the gas bill cost for each unit which can then be built into the monthly rent. The tenants currently pay their water, sewer & trash bills, along with \$675/monthly rent.  
Mr. Wisnom suggested the Public Property Committee put a proposal together for the two apartments concerning the heating system/boiler unit.
9. **Treasurer's Report**—no report
10. **Adjournment**—With no further business before Council, Ms. Almony made a motion to adjourn the meeting @ 8:35p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary

