

Stewartstown Borough Council Meeting Minutes
Monday, February 5th, 2024

Members present

Pam Almony
Donna Bloom
Kim Carl
Roy Burkins
Dave Elwell (via cell phone)
Jason Roberts

Others present

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

Visitors

Linda Miller
Andrew Norton
Randy Babcock
Jordan Ilyes
Joshua Butler

Linda McCoy
Drew Thornton
Gary Schwinn
Polly Kreiss

Sarah & Seth Henschen
Stephanie Thompson
Ken Anderson
Erica Rearich

1. The meeting was called to order @ 7:00pm followed by the pledge to the flag.
2. **General Business**
 - **Approval of Meeting Minutes**—Mrs. Bloom made a motion to approve the January 2nd, 2024 Meeting Minutes; Mr. Roberts seconded. All were in favor; motion carried.
 - **Approval of Financial Statements**
 - **General Funds**—Mrs. Bloom made a motion to approve General Fund bills dated Dec. 30th, 2023 thru Jan. 26th, 2024, totaling \$173,337.25; Mr. Burkins seconded. All were in favor; motion carried.
 - **Sewer Funds**—Mr. Burkins made a motion to approve Sewer Fund bills dated Dec. 30th, 2023 thru Jan. 26th, 2024, totaling \$177,540.13; Mrs. Bloom seconded. All were in favor; motion carried.
 - **Water Funds**—Mr. Burkins made a motion to approve Water Fund bills dated Dec. 30th, 2023 thru Jan. 26th, 2024, totaling \$79,019.51; Mrs. Bloom seconded. All were in favor; motion carried.
3. **Public Comment/Visitors**
 - **Michael Binko, Zoning Hearing Board member**—as requested by Council, Mr. Binko attended to discuss his reappointment to the ZHB. During the time of the Zoning Hearing for the Bailey Hotel Suites, there were some comments made on social media by Mr. Binko's spouse that Council wanted to discuss, feeling the comments were unprofessional & untrue. Some comments made (before the ZH) stated that Council members were "lining their pockets" & "getting some kickbacks" from the ZH application to create apartments rather than the hotel. Mr. Binko said he didn't make the comments but apologized for his spouse making those or causing concern. His Zoning Hearing decision was not based on anything his spouse stated, but solely his own.
Atty. Wilson explained that no Council member is accusing Mr. Binko of improperly arriving at his decision, but as a ZHB collectively, there's an obligation to approach each application for zoning relief in a neutral, even-headed manner. The concern is, optically, how it looks to the applicant when a spouse of an appointed ZHB member takes a strong opposition to the decision. The applicant could then file a lawsuit against the Borough or Zoning Hearing Board alleging the decision made was arbitrary & capricious & in this case, they would have proof in writing (from social media). No one is suggesting Mr. Binko made an improper decision, but we want to reduce the risk of liability for the Borough & ZHB going forward, by avoiding the appearance of any wrongdoing.

Mr. Binko said he will discuss this with his spouse to ensure that anything he posts is true & accurate, but he said everyone is entitled to their own opinion. Atty. Wilson stated it leaves the Borough open to potential litigation if, in fact, Mr. Binko has access to his spouse's Facebook account & could post arbitrary statements on it.

Even after the ZHB's decision is given, there's time for a written decision & an appeal period, so there's still a concern for liability should the applicant misconstrue comments that possibly came from a ZHB member. Council thanked Mr. Binko for coming tonight for discussion.

Mr. Burkins made a motion to reappoint Michael Binko to the Zoning Hearing Board; Mr. Elwell seconded. Motion carried, 4-2 with Ms. Almony & Mrs. Bloom opposing.

- **Ken Anderson, Stewartstown Lions Club member**—at Council's request, Ken presented a listing of the Lions Club's 2022-2023 donations which totaled \$24,185. Gross receipts for this period of time were in excess of \$50,000.

The club has two different accounts, administrative & community. Administrative involves money generated from dues, fees, etc. 100% of the community money raised goes back to the community and would include donations to scouts, Eureka, Wounded Warriors, scholarships & awards for local students (determined by the school), Mason Dixon Library, House of Hope, and many others. Council thanked Ken for presenting this tonight & thanked the Lions Club for all they do for the community.

- **Gary Schwinn & Randy Babcock, Lions Club members/Christmas light wiring replacement**—as discussed in previous meetings, the existing wiring for the Christmas lights is in dire need of replacement. Dorn Electric has done as many temporary repairs as possible and if a replacement is not done soon, the Borough will be unable to have the Christmas lights. A scope of work, along with a price proposal from Dorn Electric had been distributed to Council. The scope of work includes removal of existing power cable & outlet boxes on 55 poles & replacing with new, along with bucket truck rental/usage & labor totaling \$23,000. The total is below the bid requirement (over \$23,200) but is within the requirement to obtain 3 telephonic/written quotes (\$12,600-\$23,000). Traditionally, the Lions Club provides & maintains the Christmas lights themselves & their plan is to replace/upgrade several lights each year. In the past two years, they purchased 8 new lights, generally costing \$400-\$800 each.

Knowing the desperate need to upgrade the wiring system, Council had built money in their 2024 Budget for its replacement. Mr. Burkins made a motion to move forward with gathering two other phone/written quotes for the wiring upgrade; Mrs. Bloom seconded. All were in favor; motion carried. Should no other electrician or contractor submit a written quote, Dorn Electric will be awarded the project.

- **Drew Thornton, new resident of 2 S. Main Street** was present to discuss parking shortages at his apartment building, specifically for his enclosed construction trailer. Discussion had been previously held on whether the theater lot (owned by the Borough) could be made into public parking; however, it would require a PENNDOT application for a permit, spending several thousands of dollars & a possibility of a PENNDOT denial anyway. If Council wants to pursue it, it would be months down the road. If the Borough would allow Drew to park there, they would need to let others park there as well, and as Atty. Wilson stated, they would open themselves up to liability of someone's personal property since it's not permitted by PENNDOT. A few other nearby parking suggestions were given to Drew.

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

- **High Street inlet replacement**—one price was obtained from Fitz & Smith & Jason is waiting on prices from Manifold Excavating & Springfield Contractors.
- **Bid documents have been prepared for George Street paving.** Jason is hoping to bid that to award the project in April.

- **Cloverfield development**—there are 3 lots left to be built on & it was Council’s decision to hold off on High Street paving until the building is complete which won’t be this year.
- **CDBG Grant application for E. Pennsylvania (south side)**—has been submitted by the deadline; we should hear some updates over the next few months.

5. **Solicitor’s Report**—John Wilson reported:

- **Ordinance 2024-01—Amendment to the Zoning Ordinance** to add multi-family conversion use to be permitted in the Commercial Village & Industrial Zones. This is strictly a text amendment, not a Zoning Map amendment. Per the MPC, a Public Hearing must be held in advance of an enactment:
 - Ms. Almony made a motion to adjourn the Regular Meeting @ 7:46pm; Mrs. Bloom seconded. All were in favor; motion carried.
 - Mrs. Carl made a motion to commence the Public Hearing @ 7:46pm; Mr. Roberts seconded. All were in favor; motion carried.
 - York County Planning Commission & Stewartstown Borough Planning Commission have met & submitted comments on the text amendment, along with the Borough Solicitor and Engineer. Any public comment regarding Ordinance 2024-01 and the Text Amendment?
 - Ms. Almony made a motion to adjourn the Public Hearing on Ordinance 2024-01 @ 7:50pm; Mr. Burkins seconded. All were in favor; motion carried.
 - Mrs. Bloom made a motion to resume the Regular Meeting @ 7:50pm; Ms. Almony seconded. All were in favor; motion carried.
 - Ms. Almony made a motion to adopt Ordinance 2024-01 to amend the Zoning Ordinance to allow multi-family conversion in the CV & Industrial Zones; Mrs. Bloom seconded. All were in favor; motion carried.
- **Ordinance 2024-02—Disruptive Conduct Ordinance**—establishing rules and regulations for conduct for residential rental properties. This has been advertised for adoption tonight. As discussed last month, Mr. Elwell asked for a revision on page 5, Paragraph C, to make the incident period 18 months instead of 12 months. Mrs. Bloom made a motion to adopt Ordinance 2024-02 with that revision; Mr. Roberts seconded. All were in favor; motion carried.
- **Ordinance 2024-03—Amending & Restating Nuisance Ordinance**—Mrs. Bloom made a motion to adopt Ordinance 2024-03 as presented; Mr. Burkins seconded. All were in favor; motion carried.
- **Comcast Cable Franchise Agreement**—the agreement allowing Comcast to bring their cable & internet services into the Borough has been reviewed by Atty. Sharnetzka. Comcast would run their cable either in the street, requiring a PENNDOT permit in some areas or on the sidewalk. Their construction department will create a map of the areas for their potential work. Comcast will pay revenue to the Borough, similar to what Armstrong Cable does currently.

Ms. Almony made a motion to approve the agreement and to authorize Atty. Sharnetzka to prepare an Ordinance for the March meeting; Mrs. Bloom seconded. All were in favor; motion carried.
- **DCNR Playground Grant/HARP**—the agreement between Hopewell Area Rec & Parks and Stewartstown Borough and the related paperwork has been reviewed by Atty. Sharnetzka. The Borough must be the grantee on the paperwork and grant funds must filter through the Borough. The grant monies will be used for rehabbing the park & playgrounds.

Mrs. Bloom made a motion to approve the execution of the agreement; Mr. Burkins seconded. All were in favor; motion carried.
- **2024 Bidding Threshold update**—beginning January 1st, 2024, bid requirements were updated as stated—contract amounts below \$12,600 require no formal bidding, nor

telephonic or written quotes. Contract amounts between \$12,600-\$23,200 require 3 written/telephonic quotes. Contract amounts over \$23,200 require formal bidding.

6. **President/Vice President Report**—Ms. Almony/Mr. Burkins reported:

- **Ms. Almony made a motion to accept Bill Gemmill’s resignation** from Borough Council. Mr. Burkins seconded. All were in favor; motion carried.
- **Committee discussion**—which Council member wants to serve on which committee will be discussed at the March meeting after a replacement for Mr. Gemmill is appointed.
- **Truck traffic on Borough streets/Speeding**—previous discussions were held about trying to cut down on large trucks traveling on Borough streets; however, in order for Police to enforce signage, a traffic study would need to be conducted, along with adopting an Ordinance. Speeding is always an issue in town & a recent complaint from a Mill Street resident was sent to SRPD via email. Mayor Barnette said the solar speed sign doesn’t seem to control speeding, but local police aren’t allowed to use RADAR or LiDAR. They use VASCAR which requires two officers, making catching speeders more difficult. While recently set up along Mill Street, Sgt. Teague didn’t witness any motorists travelling the speed the complainant reported, but SRPD cannot sit in a location 24/7. Chief Boddington mentioned a Traffic Calming Study (created by PENNDOT) that was conducted in Shrewsbury that offers some options & also involves the community. This isn’t going to be a small task, but the study will be reviewed by the Streets & Roads Committee. Other research & discussion will also be held with other municipalities. It was found that the radar speed signs collect data, which is helpful. That data will be collected once/month by Borough staff, which may be a good resource of information regarding speeding.
- **A Council member signing off on invoices & employee timesheets**—this was a suggestion from the auditors. Ms. Almony has been doing this, but if she cannot, another Council member can fill in.
- **Proclamation/Resolution designating April as “Pennsylvania 811 Safe Digging Month”**—Ira explained, any time there’s digging being done (any earth disturbance), either by the homeowner or municipality, they’re strongly encouraged to call PA One Call first so utilities can be marked. This Resolution & Proclamation bring awareness to the community about this. If someone digs without calling PA One Call & hits a utility, it can cause major problems. This information will be in the 2nd qtr. Borough newsletter & also be added to the Facebook page.
Ms. Almony made a motion to adopt Resolution 2024-03 & Proclamation; Mrs. Bloom seconded. All were in favor; motion carried.
- **Volunteer Service Credit Program**—this allows the five (5) Eureka volunteers (who qualify) to apply for tax credits (either earned income, real estate, or both). Mr. Burkins made a motion to approve the program; Mrs. Carl seconded. All were in favor; motion carried.
- **Reappointments to the SRPD Board/IGA Committee**—
 - SRPD Board—Ms. Almony made a motion to reappoint Roy Burkins & Mayor Barnette to the Board with Donna Bloom as the alternate. Mrs. Bloom seconded. All were in favor; motion carried.
 - IGA Committee—Ms. Almony made a motion to reappoint Donna Bloom to the committee with Pam Almony as the alternate. Mr. Burkins seconded. All were in favor; motion carried.
- **Lining Free Street**—Caliber Collision parks their cars well into the street, making it difficult for the trash truck and other larger vehicles to pass safely. Mr. Burkins made a motion to paint middle lines on Free Street; Ms. Almony seconded. All were in favor; motion carried.

7. **Treasurer’s Report**—Stacy Myers reported the 2023 Borough Audit begins this week.

8. **Sewer/Water Supervisor Report**—Ira Walker, Jr. distributed his report. Associated expenses will be approved by the Sewer & Water Authority.

9. **Mayor/Police Report**—Mayor Barnette reported:
- Update on Steve, the homeless man previously seen in Stewartstown—Friends & Neighbors said Steve is still at the shelter & making good progress. Chief Boddington and Robin at Friends & Neighbors reported that homelessness is on the rise, and Chief encourages municipalities to create an Ordinance to get ahead of it. Sidewalks are public property & because Stewartstown doesn't have an Ordinance prohibiting "camping out" on sidewalks, that is a risk for the future. Council is agreeable to creating such an Ordinance to be enforceable by SRPD. Planning Commission can research this & put something together for Council action. Signs at the fairgrounds prohibiting "camping out" should also be considered.
 - Southern Regional Police Commission met on January 3rd. The 2022 Audit was received.
 - December vehicle break-ins in Glen Rock Borough resulted in an arrest in Georgia. SRPD has a very high clearance rate in cases (approx. 77%).
10. **Committee/Other Council business**
- Interest has been received for the vacancies on both the Sewer & Water Authority and Borough Council. Appointments to both will be done at the March 4th Council Meeting. Anyone interested can submit a resume to the Borough staff. Joshua Butler, 37 High Street had submitted an updated resume and was present tonight. He & his family have only lived here for 2½ years, but with 4 children, he & his wife have a vested interest in the town that they fell in love with since moving here. He is retired military & attributes his leadership qualities to that. He would love the opportunity to serve in a Council position.
 - Getting the meeting room enabled for Zoom—Jason Roberts worked with our IT guy, (Nerd911) who put together some options & prices on TV's, cameras & other equipment. Prices range from \$3,500-\$5,200 with various options. Some portion of the labor could probably be done in-house to cut costs. Additional research & discussion will be held.
11. **Adjournment**—With no further business before Council, Mr. Burkins made a motion to adjourn @ 8:55p.m. Mrs. Bloom seconded. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary