**Stewartstown Borough Council**

**Meeting Minutes**

**Tuesday, January 2nd, 2018**

**Members Others**

Gordon Wisnom, Sr. Craig Sharnetzka, Solicitor

Bill Gemmill Jason Brenneman, Engineer

Kenton Kurtz Melissa Matthews, Secretary

Roy Burkins Stacy Myers, Treasurer

Polly Kreiss Ira Walker, Jr., Water/Sewer

Donna Bloom Mayor Robert Herzberger

**Visitors**

Terrell Turner

1. At 6:55p.m., Borough Secretary, Melissa Matthews swore in Robert Herzberger to the office of Mayor. Mayor Herzberger swore in Gordon Wisnom, Sr., Bill Gemmill & Kenton Kurtz to the positions of Borough Council Members.
2. The meeting was called to order @ 7:00p.m. by Mayor Herzberger. All present participated in the pledge to the flag.
3. Mayor Herzberger called for nominations for the following offices:

* Council President--Mr. Gemmill nominated Gordon Wisnom, Sr. There being no other nominations for Council President, Mayor called for the vote. All were in favor of Mr. Wisnom for Council President.
* Council Vice-President—Mrs. Bloom nominated Kenton Kurtz. There being no other nominations for Council Vice-President, Mayor called for the vote. All were in favor of Mr. Kurtz for Council Vice-President.
* At this time, Mayor Herzberger turned the gavel over to Mr. Wisnom. Mr. Wisnom thanked Council for his nomination to President & for having faith in him in that capacity.

1. **GENERAL BUSINESS**

* Mrs. Bloom made a motion to approve the December 4th, 2017 Meeting Minutes. Mr. Burkins seconded. All were in favor; motion carried.
* Financial Statements—
  + Mr. Burkins made a motion to approve General Fund bills paid November 29th thru December 28th, totaling $60,299.66; Mrs. Bloom seconded. All were in favor; motion carried.
  + Mr. Kurtz made a motion to approve Sewer Fund bills paid November 29th thru December 28th, totaling $21,090.04; Ms. Kreiss seconded. All were in favor; motion carried.
  + Ms. Kreiss made a motion to approve Water Fund bills paid November 29th thru December 28th, totaling $32,215.73; Mrs. Bloom seconded. All were in favor; motion carried.

1. **PUBLIC COMMENT**—none
2. **SOLICITOR’S REPORT**—Mr. Sharnetzka reported the following:

* Rutter’s Farm Store liquor license appeal is still ongoing. The other side has filed their appeal & filed a brief. The Borough filed a brief in response to that. On December 6th, a letter from their attorney requesting a “one-judge disposition” which means the Borough’s brief & the other side’s brief goes before a judge. No judge has been assigned to this yet. Should the judge rule in favor of Rutter’s liquor license, Mr. Sharnetzka said the Borough can appeal; however, he advised against the Borough doing so.
* Wilson-Falkler Subdivision—with larger Subdivision plans involving housing developments, such as Cloverfield (High Street), Mr. Sharnetzka would advise bonding to be put into place; however, in this case, he told Jason bonding is not necessary, because the lateral will only serve Falkler’s lot & the Wilson lot, no other property. Mr. Sharnetzka did, however, tell Jason that while no bonding is required, a note will be put on the plan that no building permit or Use & Occupancy Permit will be issued for any structure(s) on the Falker and/or Wilson property until the lateral is ran & sewer and water connections are made. This issue is still pending due to easements necessary to run the lateral to Pennsylvania Avenue.
* Kenton Kurtz reported the following proposed revisions made to the Personnel Manual:
  + Eliminate severance pay.
  + Eliminate travel & meal reimbursement.
  + Removed all policy language involving Police & EMS.
  + Removed maternity leave and family leave. Family leave can follow FMLA (Family Medical Leave Act).
  + Changed calendar year from January 1st to December 31st.
  + Vacation time revisions:
    - Currently after 1 year of service, receive 5 days (40 hrs)—*remains the same*
    - Currently after 2 years of service, receive 10 days (80 hrs)—*changed to after 3 years of service, receive 10 days (80 hrs)*
    - Currently after 7 years of service, receive 15 days (120 hrs)—*changed to after 10 years of service, receive 15 days (120 hrs)*
    - Currently after 12 years of service, receive 20 days (160 hrs)—*changed to after 15 years of service, receive 20 days (160 hrs)*
    - Vacation time cannot be “banked”—must be used by December 31st of following year in which it was earned.
  + Sick time revisions:
    - Currently after 1 year, receive 5 days (40 hrs)—*remains the same*
    - Currently after 5 years, receive 10 days (80 hrs)—*changed to after 7 years, receive 10 days (80 hrs)*
    - Currently after 10 years, receive 15 days (120 hrs)—*changed to after 12 years, receive 15 days (120 hrs).*
  + Probation time to be eligible for insurance was changed from 30 days to 90 days.
  + These changes will affect **new hires only** & also Tyler Robinson, who was hired in May 2017. All other current employees are grandfathered into the previous Personnel Policy. Mr. Burkins made a motion to approve the vacation time revisions; Mrs. Bloom seconded. Mr. Kurtz wanted to include all revision discussed above in one motion, if consensus of Council agrees. Mr. Burkins revised his motion to adopt the above eight (8) changes to the handbook as discussed tonight, for new hires & Tyler Robinson only. Mrs. Bloom seconded. All were in favor; motion carried.

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

* Cloverfield development—discussion of the Construction Material Specs, created by James R. Holley’s office for the Authority. Cloverfield is currently working on installing stormsewer piping & it was noticed they are backfilling with “suitable material” (dirt). When Jason’s office told York Excavating they must use “select backfill” (stone), they stated they were following the plan. York Ex was told water & sewer must follow the Spec book; however, they stated they never received a Spec book. York Ex stated the plan says suitable material/dirt may be used in grassy areas; select backfill/stone must be used in paved areas, which there are no existing paved areas in the Cloverfield development.

As for the sewer, the note on the plan states “refer to the sanitary sewer specifications”. When making hard copies of the Spec book, Jason found the construction material specs were never adopted; they may have been accepted by Authority and/or Council, but not officially adopted, if necessary. The current construction material specs are only for sewer & water, not for stormwater, gas or any other utility that may come into the Borough. After taking this issue to the Authority, they advised Jason to come to Council to possibly put a Spec Book together to include all utility work.

As for Cloverfield, they stated they are using suitable material & just backfilling with dirt. Most of these areas will be paved; however, anything within the right-of-way is typically filled with select backfill. Can Borough decline to adopt these streets if the contractor does not use the appropriate materials? This was discussed with Attorney Sharnetzka.

Ira Walker, Jr. stated it is the responsibility of the contractor to obtain a copy of the Construction Specs & Cloverfield reps and/or York Excavating had not done that.

Mr. Sharnetzka stated the agreement with York Excavating states improvements are to be done regardless of the costs. They bid the job and did the work without obtaining the proper Spec Manual & without reading the agreement. The Borough is not accepting this because if the wrong fill is used & the road sinks, there will be a problem. The agreement also states that the Borough Engineer must approve of all underground utilities that are installed, which includes the fill that is used. (Paragraph 15 & 18 of agreement were quoted). Mr. Sharnetzka believes stormsewer is included in “underground utilities”. One stormsewer is installed already and stone was not used, but Jason said York Ex is conducting compaction tests on the stormsewer areas.. If York Ex can meet requirements of compaction testing results on the trenches, Jason believes it will be satisfactory, as long as results are received. The compaction tests are done as York Ex moves throughout the project & site. Mr. Sharnetzka stated York Ex can be told that the Borough will not adopt the streets if the correct backfill material is not used.

Mr. Wisnom stated there are two issues at hand:

* + To give Borough Engineer authority to rewrite the specifications for future developments and for those to include all underground utilities. Mrs. Bloom made a motion authorizing Jason to move forward with this; Mr. Kurtz seconded. All were in favor; motion carried.
  + To not adopt the roads in the Cloverfield development unless work is done to our specifications and to the approval of the Borough Engineer. Documentation should be received & include suitable material used for stormwater, along with compaction testing; water & sewer should include select material. Mr. Burkins made a motion authorizing Jason & Mr. Sharnetzka to act on behalf of the Borough in terms of not adopting the Cloverfield development roads if material & work is not to specifications.
* DCED grant money—Authority is working to get funding for wastewater treatment plant upgrades. This is due end of February, should the Borough be interested in applying for funds. This is a 15% matching grant.

1. **WATER/SEWER SUPERVISOR REPORT**—Ira Walker, Jr. shared his report (on file with Meeting Minutes) In addition:

* Upgrade of SCADA system—Mr. Gemmill made a motion to approve this cost of $982.02; Mr. Burkins seconded. All were in favor; motion carried.
* Control Systems 21 payment—for work at Hollow Road after Shiloh Paving struck a water line & electrical conduit. A meeting will be held between Ira, Jason & Shiloh Paving reps to ask them to pay this invoice or a portion of it. Mr. Gemmill made a motion to approve this cost of $3,183.84 f; Mrs. Bloom seconded. All were in favor; motion carried.
* New pH meter for the sewer plant—Mrs. Bloom made a motion to approve this purchase, in the amount of $477.23; Mr. Kurtz seconded. All were in favor; motion carried.
* Of note, the properties where the meters are in need of replacement, Council is in consensus that the property owners should be given a 10-15-day notice before their water is shut-off for non-compliance of the Authority’s Rules & Regulations, allowing access to the equipment.

1. **MAYOR’S REPORT**—Mayor Herzberger stated he & the three Council-elects must sign the residency forms.
2. **PRESIDENT’S REPORT—**Mr. Wisnom reported on an incident where a resident from Cedar Lane reported blowing out a tire and experiencing tire damage when she hit one (or more) of the potholes on High Street. Discussion was held. Council consensus was to send a letter of denial to the resident that the Borough will not pay for the damage incurred in this unfortunate incident. Once warmer weather comes, Borough staff can address the pothole problems.
3. **ADJOURNMENT**—With no further business before the Council, Mr. Kurtz made a motion to adjourn the meeting @ 8:01p.m. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary