**Stewartstown Borough Council**

**Meeting Minutes**

**Monday, July 2nd, 2018**

**Members** **Others**

Gordon Wisnom, Sr. Craig Sharnetzka, Solicitor

Bill Gemmill Jason Brenneman, Engineer

Kenton Kurtz Ira Walker, Jr., Sewer & Water

Roy Burkins Mayor Robert Herzberger

Donna Bloom Stacy Myers, Recording Sec’y

Polly Kreiss

**Visitors**

Mark Raulie

Nancy Kurtz

Ben Heisey, R.J. Fisher

Sarah Young, Keystone Custom Homes

William Briegel, Keystone Custom Homes

1. The meeting was called to order @ 7:00p.m. All present participated in the pledge to the flag.
2. **GENERAL BUSINESS**

* Mr. Kurtz made a motion to approve the June 4th Meeting Minutes and the June 21st Meeting Minutes; Ms. Kreiss seconded. All were in favor; motion carried.
* Financial Statements
  + Ms. Kreiss made a motion to approve the General Fund bills paid June 2nd through June 29th, totaling $18,857.78; Mr. Burkins seconded. All were in favor; motion carried.
  + Mr. Burkins made a motion to approve the Sewer Fund bills paid June 2nd through June 29th, totaling $34,098.36; Ms. Kreiss seconded. All were in favor; motion carried.
  + Mrs. Bloom made a motion to approve the Water Fund bills paid June 2nd through June 29th, totaling $39,283.10; Ms. Kreiss seconded. All were in favor; motion carried.

1. **PUBLIC COMMENT**—the following addressed Council:

* Ben Heisey, Project Engineer from R.J. Fisher said the plan before Council tonight was Phase II and the Final Phase of the Cloverfield Development. The plan consists of 41 lots, along with the remaining streets and stormwater for the development. Stewartstown’s Planning Commission voted to recommend approval of the plan earlier this month. Borough Engineer Jason Brenneman stated that he had 18-20 comments regarding Phase II. They are mostly minor issues, but he feels they should be addressed before the plan is approved & Phase II moves forward. York County Planning Commission had 11 comments that need to be addressed. Jason explained that the two biggest comments he wanted to address were:
  + That no sewer permits would be obtained for the additional 41 lots until an agreement (between the Authority & developer) is in place for the impeller change/upgrade on the Bailey Springs pumpstation. It appears that the pumpstation’s capacity would be sufficient once it’s upgraded by the Bridgeview developer. That may possibly take place by October of this year, but Jason wants this in place before the sewer permits are distributed. Dennis Sarpen (previous Borough Engineer) had distributed a letter with the preliminary plan that suggested the same requirement. Jason spoke to Mr. Briegel (Keystone) about this and he was unaware of Mr. Sarpen’s letter. While Jason’s other comments are minor & Council could approve it contingent on them being addressed, Jason does not feel that holding off on the approval will make a huge difference. Mr. Briegel disagrees and does not want to hold up the building process. He’s already committed to upgrading the impellers. He must create a Developer’s Agreement to post security for Phase II anyway & stated this could be done then.
  + Traffic study regarding street signage—this will be done, but more often than not, jurisdictions require this to be done before the dedication of the streets.

If the impeller/upgrade would be done for the Bridgeview development but still not be sufficient enough for Cloverfield, what happens then? At whose expense is another upgrade done? Jason’s office completed calculations for Bridgeview; he would like to see Cloverfield’s Engineer submit calculations for Cloverfield. Wouldn’t it be better to make the upgrade sufficient enough to handle Bridgeview, Cloverfield **and** Mayberry? Jason stated that is also being discussed for the Mayberry project. He said the Bailey Springs pumpstation was designed for 400gpm (gallons per minute) and right now it’s operating at 280gpm. With an impeller upgrade with that pump, it could go to 320gpm, w/o more horsepower. If it cannot go up to 400gpm, there’s an issue with the pump & horsepower. Therefore, Jason wants the Agreement with the Authority in place before moving forward with Phase II. And he is certain the other comments are not going to be addressed within 30 days.

Because several Council members were not comfortable with approving the plan before all Jason’s & YCPC’s comments are addressed and before that Agreement is in place, Mrs. Bloom made a motion to table approval of Phase II until all the paperwork is in place; Mr. Kurtz seconded. All were in favor; motion carried.

* Nancy Kurtz was present with a fireworks complaint. The new State law allows for the purchase of larger fireworks & mortars, but they are not to be set off within 150 ft of an occupied structure. That eliminates most places around town; however, people are setting them off all over town. There have been more incidences recently as the July 4th holiday approaches, but she said some residents have been doing it since Memorial Day. Can Council create an Ordinance to prohibit the fireworks in town, while supporting the new State law? Who can enforce the law about the 150-feet restriction? Mr. Sharnetzka said the Police should be called; since it’s a State law, the Police can enforce it. The enforcement of the law is still an issue and creating an Ordinance wouldn’t help that. The Police are going to have to see the person/people light the fireworks in order to do anything about it. The Borough Office can put a message on their Facebook page and the Borough website about courteous & safe behavior regarding fireworks. Mayor Herzberger will discuss with Chief Boddington about increasing patrols during the July 4th holiday week.

1. **SOLICITOR’S REPORT**—Craig Sharnetzka reported the following:

* The rental agreement with Olson Accounting has been signed by Jeanie Olson. She has agreed to the 3-year term, from 8/1/2018 through 7/31/2021 with the rental terms being $650/month for the 1st year and $700/month for the 2nd & 3rd years. All other language is the same as the previous agreement. Mr. Kurtz made a motion to approve the new Lease Agreement; Mr. Burkins seconded. All were in favor; motion carried.
* Bailey Springs traffic circle—it was determined that ½ the circle belongs to the Bailey Springs Homeowner’s Association & ½ belongs to the shopping center. Both have contacted Craig & they are agreeable to clearing all the vegetation from the traffic circle which was a safety & sight issue. As for the traffic flow signs around the circle, many residents believe there is a traffic safety issue & signs and/or arrows need to be installed. One sign has been installed (as you enter from Rt. 851) at the circle; another sign is ready to be installed but it’s unsure of where it should be placed. Maybe 4 signs should be installed the whole way around the traffic circle. Mrs. Bloom made a motion to install 4 signs with arrows, along with a One Way sign around the Bailey Springs traffic circle; Mr. Burkins seconded. But if these signs are placed in incorrect places, they can’t be enforced. The developer installed the traffic circle when Bailey Springs was created. After discussion that a traffic study should be conducted first before any signs or arrows are installed, Jason stated TRG can do a study for approx. $600. Mrs. Bloom rescinded her first motion and made a motion to conduct a traffic study first; Mr. Burkins seconded. All were in favor; motion carried.
* Standing stormwater in the parking lot behind Borough building—after checking deeds & walking the property lines, Craig believes the property line is right in the middle of the water with ½ of that area/parking lot belonging to Giuseppe Failla & ½ to Murray Kovens. There is a drain under all the water that gets clogged with debris. Mr. Failla & Mr. Kovens disagree as to who should clean out the drain. Craig met with Mr. Failla before tonight’s meeting to discuss the property lines. Craig believes it is both their responsibilities to maintain the drain and if it is not maintained, the Borough will cite both per our Mosquito & Standing Water Ordinance. Mr. Kovens has supposedly sent a response letter to Craig’s office and Craig is in favor of giving him (Kovens) time to respond. Council believes that only cleaning out the drain is a temporary fix; a permanent solution to the standing water should be sought but that is a matter between the property owners.
* 59 Lee Street—overgrown lot at the corner of Lee & Rt. 851—property owner since 2016 had maintained the corner lot, but at the beginning of this mowing season, they sent a letter to the Borough, along with a site map, stating they believed the corner piece of land was not part of their property. They believed that an easement line on the map was an actual property line, but it is not. In the interim of the Borough researching to verify the piece of land **did** belong to 59 Lee Street, the grass lot had gotten overgrown. The property owners & the Borough Office had emailed back & forth and the owners thought there was an agreement that the Borough would maintain the corner lot until the ownership was verified. There was no legal agreement, but since the lot is now overgrown, Craig suggested the Borough clear the lot one time and he will verify with the Todd’s (property owners) that, after that, it is **their** responsibility. Mr. Kurtz made a motion that the Borough clear/mow the lot one time and verify the property owners must do it after that; Mr. Burkins seconded. All were in favor; motion carried.

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

* 13 Chantilear Court property owner—disbursing their sump pump into the public right-of-way. There really is no good option for the homeowner other than pumping to the inlet. Jason had visited the site with a contractor who stated he could saw-cut a trench to lay a 6” pipe under the curb, run it to the inlet & stub it behind the curb to connect the sump pump pipe. His approx. cost is $1,800-$2,200 to do the work. Mr. Burkins made a motion for the Borough Office to send a letter to the homeowner stating it is their responsibility to find an option to their water problem. Mrs. Bloom seconded. All were in favor; motion carried.
* Ecker Avenue road project—bids will be advertised & ready for the August Borough Council meeting.
* Stormsewer line at Burkins’ parking lot on West Pennsylvania—the project was estimated at $35,000 and $63,800 has been budgeted. Some ideas were discussed to cut costs on the project; however, the two concrete boxes in that area are in bad shape. The $35,000 costs were without replacing the boxes, but Jason suggests replacing them. Mr. Gemmill made a motion to move forward with the work and authorize Jason to prepare the bid paperwork to replace the two boxes and all required pipes of the public stormsewer from W. Pennsylvania to the outlet, not to exceed $64,000. Mr. Kurtz seconded. All were in favor; motion carried.
* Planning Module Exemption for the Falkler-Wilson lots is incomplete—Jason will be in touch with Shaw Surveying about this.
* Cloverfield Development—Jason stated he has 20 comments about the Phase II plan. If the 30-day extension was that important to Keystone, he believes they could’ve worked on getting some of the comments addressed in a timely fashion. There are very few municipalities that would be comfortable with approving a plan with that many outstanding comments.

1. **SEWER/WATER SUPERVISOR REPORT**—Ira Walker, Jr. submitted his report, which will be on file with these Meeting Minutes. Borough Council approved the following items:

* Controls Systems 21 expense to 1) install a new air regulator valve assembly at Wellhouse #4 and 2) install a new relay at Wellhouse #6 for a combined cost of $1,730.73. Mrs. Bloom made a motion to approve this expense; Ms. Kreiss seconded. All were in favor; motion carried.
* Keystone Rubber Company for 4” adaptors/couplings at a cost of $250.00. Ms. Kreiss made a motion to approve this expense; Mr. Kurtz seconded. All were in favor; motion carried.
* Carter Pump for parts for the sludge pump at the Sewer Plant at a cost of $1,474 + shipping. Mr. Kurtz made a motion to approve this expense; Mrs. Bloom seconded. All were in favor; motion carried.
* Control Systems 21 for six float switches for the sewer stations at a cost of $408.00 and two float switches for the wellhouses at a cost of $227.26. Ms. Kreiss made a motion to approve these expenses; Mrs. Bloom seconded. All were in favor; motion carried.

1. **MAYOR’S REPORT**—Mayor Herzberger reported:

* The Finance Committee met to discuss the cost of the two School Resource Officers.
* Police Commission hasn’t met since Borough Council held their Continuation Meeting on June 28th, so there is nothing else to report on that.
* Borough Office sent our letter to rescind our notice to withdraw from the Police Agreement.

1. **PRESIDENT’S REPORT**—Mr. Wisnom reported:

* New Freedom Fire Police request—Mr. Kurtz made a motion to approve this request; Mr. Burkins seconded. All were in favor; motion carried.
* Air conditioning repair bill from W.W. Gemmill Plumbing & Heating for an emergency service call for Olson Accounting (Borough’s tenant). The cost for a new unit + labor was $8,846.83. Mr. Burkins made a motion to approve this expense; Mrs. Bloom seconded. Motion carried, with Mr. Gemmill abstaining.

1. **VICE-PRESIDENT’S REPORT**—Mr. Kurtz reported:

* He will attend a Stormwater meeting on Thursday, July 19th, if anyone is interested in going along. Mrs. Bloom said she may go along.
* Complaints from Harry Nizer were discussed:
  + Wierman Plumbing—old water heaters, toilets, other appliances lining the driveway at the High Street business—notice will be sent.
  + Sidewalks around town in disrepair—pictures & addresses need to be gathered & compared to Sidewalk Ordinance specifications
  + Truck traffic on Rt. 851—Mrs. Bloom is discussing with Representative Hill’s office about signs prohibiting this & a traffic study that is proposed for this area.
  + Speeding on Main Street & Mill Street—more speed limit signs on Mill (State road) have been discussed with PENNDOT and Police may increase patrols in these areas.
* Complaints that Ms. Kreiss has received:
  + Property beside the post office—high grass—notice will be sent
  + Movie theater—3 South Main—marquee, roof & whole property in disrepair—Mr. Sharnetzka said the Borough may be able to execute the lien that the Authority has on the property for unpaid water & sewer.
  + Anderson—85 Cemetery—will continue to monitor the trash & tall grass at the property. Mr. Anderson has not paid the 1-800-Got Junk bill to date.
  + 34 N. Main—standing water on pool cover—Borough Office needs to receive complaint in writing in order to send notice.
  + 24 S. Main—old vehicles with expired tags, tall grass, etc.—Borough Office has already talked to tenant, who is moving.
  + 37 W. Pennsylvania—tall grass; property owner is in nursing home.
  + Klinefelter property—trash & bags collecting in the rear of property—notice will be sent.

1. **ADJOURNMENT**—Mr. Gemmill made a motion to adjourn the meeting @ 8:50p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary