

**Stewartstown Borough Council
Meeting Minutes
Monday, December 7th, 2020**

Members present

Brittany Barnette
Polly Kreiss
Donna Bloom (arrived @ 7:09pm)
Roy Burkins
Gordon Wisnom, Sr.
Bill Gemmill

Others present

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

Visitors

Pam Almony
Randy Shearer
Dave Elwell

Harrison Bink
Sam Juffe

1. The meeting was called to order @ 7:00p.m., followed by the pledge to the flag.
2. **Public Comment**—the following were present to address Council—
 - **Bailey Hotel Suites**—Sam Juffe (owner), Randy Shearer (Engineer, Hartman & Associates) & Harrison Bink (Architect, Bink Architecture) presented the plan proposing to construct a 30 guest room/hotel on the vacant lot along Rt. 851 in front of the Bailey shopping center. They already obtained Sewer Planning Module approval & a recommendation for approval from the Borough's Planning Commission. Three comments from York County Conservation District have been addressed and Mr. Shearer sent 3 signed/sealed copies of the plan necessary to submit the permit.
Per request of the Sewer & Water Authority, the 8" sewer main that runs through the proposed hotel property will be replaced by Mr. Juffe and the two storm sewers on the property will be cleaned/flushed. At the request of the Borough's Planning Commission, sidewalks will be installed along Rt. 851 running in front of the hotel property.
As far as the plan is concerned, Mr. Shearer stated the only outstanding issues are "housekeeping" items such as posting surety, signatures on the plan, fees to be paid, execution of the agreement between the developer & Authority & a few other items. He has responded and addressed several stormwater management questions from Borough Engineer Jason Brenneman.
The developer is requesting one waiver from Council which is that submittal of a preliminary plan would be accepted as a final plan.
In a letter dated today, December 7th, 2020, Jason Brenneman outlined eight (8) outstanding comments regarding the plan. He would concur with Borough Council granting conditional plan approval based on the following comments being addressed:
 - Public surety being posted. An estimate is needed for all public improvements, which would be reviewed by Jason & Attorney Sharnetzka.
 - All signatures shall be provided.
 - All fees shall be paid prior to plan approval.
 - The agreement between the Authority & developer shall be executed for the replacement of the sewer line through the site. (The Authority Solicitor created the Agreement, which was submitted to the developer for comment. Mr. Juffe returned it with his comments, so the Agreement should soon be in place.)
 - Sheet C3 makes note to North York Borough in plant list note #1.
 - Erosion control approval from YCCD.

- All stormwater comments being addressed (referenced on a separate letter from Jason Brenneman to Hartman & Associates.)
- Any additional comments of Borough Council & the Borough Solicitor.

Mr. Gemmill requested a rendering of the building, which wasn't available tonight, but he thought with the current elevation at that lot, the building would sit fairly high. Mr. Bink stated they plan to put the building into the ground as far as possible & will adhere to the height restrictions (within 35') of the Borough Zoning Ordinance for the 2½-story building. Stipulations for any other concerns that the Council has; i.e., keeping it from becoming a place for illegal activity, eyesore for the surrounding residences & businesses, etc., cannot be enforced as long as the developer follows the Borough Ordinances and addresses the Engineer's outstanding plan comments. Although the type of building material to be used is not decided yet, the developer plans to make the building aesthetically pleasing. The proposed size of the building is 135' in length by 55' in width.

Mr. Burkins made a motion to conditionally approve the Bailey Hotel plan upon meeting all Jason Brenneman's conditions outlined in his December 7th letter to Hartman & Associates (Engineers) and to grant the Waiver request that the preliminary plan be accepted as a final plan; Ms. Kreiss seconded.

A vote was taken & ended in a tie; 3-yay, 3-nay (Gemmill, Bloom & Barnette opposing). Mayor Kurtz voted "yay" as a tiebreaker, motion carried.

Mr. Walker, Jr. expressed his concerns about the elevation & surrounding lay of the land being able to accommodate fire apparatus in the event of an emergency. The current plan does not propose any paving around the building, but the Fire Department should be able to access three (3) sides of the building with their fire truck, but not the back. In that case, the Fire Department would need to carry & use ground ladders, if necessary to fight a fire while doing it safely (on a flat area). If they cannot do so, it could be the difference between life or death. Mr. Shearer stated there is no sharp drop-off in the landscaping except on one side, but there is a berm on that side of 3-4'. Grading of the area could possibly be done at a later time. Mr. Bink has the proposed grading at a 3-to-1 ratio. Emergency/Fire exits are proposed on the plan and Council & Mr. Walker also urged them to be on all sides of the building.

3. **General Business**

- **Approval of November 2nd, 2020 Meeting Minutes**—Mrs. Bloom made a motion to approve the November 2nd, 2020 Meeting Minutes; Ms. Kreiss seconded. All were in favor; motion carried.
- **Approval of Financial Statements**
 - **General Funds**—Ms. Kreiss made a motion to approve General Fund bills dated October 31st thru December 3rd, 2020 totaling \$26,185.90; Mr. Burkins seconded. All were in favor; motion carried.
 - **Sewer Funds**—Mrs. Bloom made a motion to approve Sewer Fund bills dated October 31st thru December 3rd, 2020 totaling \$43,308.96; Ms. Kreiss seconded. All were in favor; motion carried.
 - **Water Funds**—Mrs. Bloom made a motion to approve Water Fund bills dated October 31st thru December 3rd, 2020 totaling \$44,158.35; Ms. Kreiss seconded. All were in favor; motion carried.

4. **Solicitor's Report**—Mr. Sharnetzka reported the following:

- **Old theater (3 S. Main)**—no settlement is scheduled at this time. Right now, things are in limbo with the appeal of the conversion of the Chapter 13 to Chapter 7 bankruptcy. The title company would not write a title on it so it's currently pending court denial of the appeal.
- **43 Church Street (Wiggins)**—Mr. Sharnetzka & Mr. Wisnom served the Notice of Violation letter in person on October 23rd, giving them until November 9th to correct the violations & clean up the property. Mr. Sharnetzka stated, as of November 10th, progress has

been made; however, there were still many items remaining outside. Mr. Sharnetzka called Mrs. Wiggins last week stating that the items in the driveway must be removed. As of today, December 7th, some items have been moved to the rear or side of the property & some items were placed on a trailer to be hauled away. Progress can be monitored, but Mr. Sharnetzka doesn't recommend Council do anything further at this time. He will contact Mrs. Wiggins again to tell her that everything not belonging outside must be removed and will keep Council updated on this issue.

- **Agreement with the York County Treasurer's Office**—has been signed & given to Borough staff. Contact information for the Chief Deputy Treasurer has been given to staff also. The County Treasurer's Office asked if Council wishes for them to hold one sitting at the Borough Office to collect taxes in person. Ms. Kreiss made a motion to approve York County plan one sitting for tax collection at the Borough Office near end of March 2021; Mrs. Barnette seconded. All were in favor; motion carried.
 - **Nadine Overlook Agreement**—has been signed by the developer & payment of the developer's portion has been made to the Borough.
 - **Resolution 2020-7**—to reenact the tax rate of 2.85mils. Mr. Burkins made a motion to adopt Resolution 2020-7; Mr. Gemmill seconded. All were in favor; motion carried.
 - **Street Excavation & Sidewalk Maintenance Ordinance sample presented**—this issue will be tabled until Council's January 4th meeting.
 - **Mr. Sharnetzka distributed CGA's 2020 Christmas gifts** to Borough Council & Borough staff.
5. **Sewer/Water Supervisor Report**—Ira Walker, Jr. submitted his report. All expenses have been or will be presented to the Authority for approval. Of note, as of today, the Sewer & Water Department is working with two employees due to COVID-19 restrictions & other health issues. Tracy Baldwin is to have new test results on December 16th.
6. **Mayor's/Police Report**—Mayor Kurtz reported the 2021 Police amount is a little over 40% of the Borough's budget at \$360,000. The 2020 year-to-date Police expenses are \$350,208 and 2019's cost was \$328,238. Mayor & Council agreed that Police costs would be much higher if the Borough still had their own department. In 2014 (first year with Southern Regional) Stewartstown Borough budgeted \$433,000, 2015-\$372,000, 2016-\$462,107, 2017-\$429,000, & 2018-\$387,000; however, those first years, the buy-in amount was being paid along with actual Police costs/expenses. Mayor Kurtz said there should be a rebate coming this year, but the amount is unknown at this time. And hopefully, Glen Rock Borough will resolve their issues in the near future. Overall, Council is satisfied with Southern Regional's performance in the Borough, but they would like to see more Police presence along Main Street & side streets.
7. **President/Vice-President Report**—Mr. Wisnom reported the following:
- **Mike Ellinger's resignation**—Mrs. Bloom made a motion to accept Mike Ellinger's resignation from Borough Council; Ms. Kreiss seconded. All were in favor; motion carried.
 - **Replacement for vacant Council seat**—3 candidates submitted letters of interest—
 - Pam Almony—52 N. Main Street
 - David Elwell—46 N. Main Street
 - Jerry Writer—13 College AvenueMrs. Bloom said two of the three applicants have shown a real interest in Borough affairs, Council & the community by attending several meetings over the past year. Mayor Kurtz stated although all three applicants may be qualified to serve, he is pleased to see younger residents taking an interest in serving the community. Based on his past experience serving on Borough Council, Mr. Gemmill made a motion to appoint Jerry Writer to the vacant Council seat; Ms. Kreiss seconded. A vote was taken, motion denied, 2-4 with Barnette, Bloom, Burkins & Wisnom opposing.

- Mrs. Bloom made a motion to appoint Pam Almony to the vacant Council seat; Mrs. Barnette seconded. A vote was taken, motion carried 5-1 (no opposing, but 1 member not voting).
- **Mrs. Bloom made a motion to appoint Jason Roberts** (1305 Thistlewood Lane) to the Planning Commission; Mr. Burkins seconded. All were in favor; motion carried.
 - **Resolution 2020-3**—reappointing Stacy Myers as Borough Treasurer—Ms. Kreiss made a motion to adopt Resolution 2020-3; Mrs. Bloom seconded. All were in favor; motion carried.
 - **Resolution 2020-4**—reappointing Melissa Matthews as Borough Secretary—Mrs. Bloom made a motion to adopt Resolution 2020-4; Ms. Kreiss seconded. All were in favor; motion carried.
 - **Resolution 2020-5**—continuing to use PMRS (Pennsylvania Municipal Retirement System) for the 2021 Borough Pension Plan. Mr. Burkins made a motion to adopt Resolution 2020-5; Mrs. Bloom seconded. All were in favor; motion carried.
 - **Resolution 2020-6**—reappointing Baker, Tilly, Virchow & Krause as the Borough Auditors for 2021. Mrs. Bloom made a motion to adopt Resolution 2020-6; Ms. Kreiss seconded. All were in favor; motion carried.
 - **Mrs. Bloom made a motion to reappoint James R. Holley Associates** as the Borough Engineer for 2021. Mr. Burkins seconded. All were in favor; motion carried.
 - **Mr. Burkins made a motion to reappoint CGA Law Firm** as the Borough Solicitor for 2021. Mrs. Bloom seconded. All were in favor; motion carried.
 - **Ms. Kreiss made a motion to reappoint New Freedom Borough** as the Borough's 2021 Zoning/Building Code Officer. Mr. Burkins seconded. All were in favor; motion carried.
 - **Mr. Gemmill made a motion to reappoint Harry Nizer** to Planning Commission for a term starting January 2021 thru December 2024. Ms. Kreiss seconded. All were in favor; motion carried.
 - **Ms. Kreiss made a motion to reappoint Earl Long** to the Planning Commission for a term starting January 2021 thru December 2024. Mr. Burkins seconded. All were in favor; motion carried.
 - **Ms. Kreiss made a motion to reappoint Dave Stampler** to the Zoning Hearing Board for a term starting January 2021 thru December 2023. Mr. Gemmill seconded. All were in favor; motion carried.
 - **Ms. Kreiss made a motion to reappoint Michael Binko** to the Zoning Hearing Board for a term starting January 2021 thru December 2023. Mrs. Bloom seconded. All were in favor; motion carried.
 - **Ms. Kreiss made a motion to reappoint Gordon Wisnom, Sr.** to the Sewer & Water Authority for a term starting January 2021 thru December 2025. Mrs. Bloom seconded. All were in favor; motion carried.
8. **Treasurer's Report**—Stacy Myers presented the 2021 Budget (General, Sewer, Water) for adoption. Mrs. Bloom made a motion to adopt the 2021 Budget; Mr. Burkins seconded. All were in favor; motion carried.
 9. **Council recessed to Executive Session** @ 8:12p.m. to discuss a personnel matter. Council reconvened @ 8:34p.m. No decisions were made.
Mr. Burkins made a motion to give all Borough employees a 3% raise. Mrs. Bloom seconded. All were in favor; motion carried.
 10. **Adjournment**—With no further business before Council, Mrs. Bloom made a motion to adjourn the meeting @ 8:35p.m. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary

