

Stewartstown Borough Council
Meeting Minutes
Monday, March 2nd, 2020

Members present

Gordon Wisnom, Sr.
Kenton Kurtz
Polly Kreiss
Donna Bloom
Bill Gemmill
Roy Burkins

Others present

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

Visitors

Pam Almony
Erica Rearich
Sam Gemmill

1. The meeting was called to order @ 7:00p.m., followed by the pledge to the flag.
2. **Public Comment/Visitors**
 - Erica Rearich was present to discuss the New Freedom Borough Intergovernmental Committee, which was formed by the new Borough Council members in an effort to strengthen relationships of neighboring municipalities (mainly SRPD members). They hope to partner with these municipalities when applying for grants, sharing equipment, etc. Erica & some other committee members will be attending municipal meetings to promote the committee, but if Stewartstown Borough has any questions in the meantime, she said they're welcome to contact her.
 - Ira Walker, Jr., as Assistant Fire Chief for Eureka, presented a sample Ordinance establishing a tax credit for volunteer members of volunteer fire companies & nonprofit emergency management services. Volunteerism within local fire companies has decreased, so as an incentive or reward system to hopefully increase numbers, a few other municipalities are participating in this program. Twenty years ago, national volunteer numbers were as high as 400,000, but now are approx. 40,000 less. Recruiting volunteers has become a lot harder, so Eureka is trying to retain their current volunteers.
Eureka currently has a "LOSAP" program which stands for Length of Service Award Program & the fire department has created a point system where volunteers accrue points for fire calls, fundraising, meetings, etc. Members become vested and if they stay active in the program, will receive a monthly stipend.
Mr. Sharnetzka was familiar with this Ordinance & stated it's based on the earned income tax. He said the state put this into law in response to a statewide crisis concerning volunteers. The amount of money coming from the Borough is minimal. Fawn Grove is in their 2nd year participating in this program and Peach Bottom & Delta are in their 1st year. Borough Council would need to pass an Ordinance & a Resolution adopting Eureka's point system, then as long as the members obtain the points, at the beginning of the following year, a list of those qualifying members eligible to receive the tax credit would be given to the municipality. Borough staff would send notice to York Adams Tax Bureau for the members to get the credit on their individual tax returns. There are four municipalities that contribute to Eureka Consolidated, so residents from all four of them could be eligible if their municipality passes the Ordinance. If Stewartstown Borough passes the Ordinance, only the volunteers living within the Borough would be eligible for the tax credit. Ira estimates less than a dozen of Eureka volunteers live in Stewartstown Borough & from that amount, not all

are eligible through the point system and if they're retired & not earning a certain amount, they may still not be eligible for this tax credit.

Mr. Kurtz made a motion authorizing Mr. Sharnetzka to create the Ordinance for Council's review. Mr. Burkins seconded. All were in favor; motion carried.

Ira will email the point system & LOSAP information to Council & Mr. Sharnetzka.

- Ira mentioned the roof of the Richmond building (Mill Street) is continuing to cave in & he's concerned about it collapsing. A few years ago, the Zoning Officer visited the property & sent a letter to the owner, which resulted in the owner boarding up some windows & securing the building so no trespassers could enter. Ira believes it's now getting worse & more dangerous. Mr. Sharnetzka stated there is a dangerous structure provision in our Nuisance Ordinance so a letter can be sent stating this if the Zoning Officer believes there is an infraction of the Ordinance. Mr. Sharnetzka said he may have a client interested in purchasing that property, but for right now, the ZO can visit & a letter can be sent.

3. **General Business**

- Approval of Meeting Minutes—one correction was necessary to the February 3rd Meeting Minutes. Under Mayor's Report, "*YATB's collection fee for 2019 was 1.75% and beginning in 2020, the collection fee was reduced to 1.36%*" should read "*the effective rate for 2020 is 1.36%. The maximum rate for 2020 will remain at 1.75%*". With this correction, Mr. Burkins made a motion to approve the February 3rd, 2020 Meeting Minutes; Mr. Kurtz seconded. All were in favor; motion carried.
- Approval of Financial Statements
 - **General Fund**—Mrs. Bloom made a motion to approve General Fund bills & payroll dated Feb 1st thru Feb 28th, totaling \$32,775.38; Ms. Kreiss seconded. All were in favor; motion carried.
 - **Sewer Fund**—Mrs. Bloom made a motion to approve Sewer Fund bills & payroll dated Feb 1st thru Feb 28th, totaling \$110,320.73; Mr. Burkins seconded. All were in favor; motion carried.
 - **Water Fund**—Ms. Kreiss made a motion to approve Water Fund bills & payroll dated Feb 1st thru Feb 28th, totaling \$87,665.83; Mrs. Bloom seconded. All were in favor; motion carried.

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

- Movie theater—a bankruptcy trustee hearing was held on February 24th. The trustee will recommend the sale of the theater & is currently getting the title report to see what liens, etc. are outstanding after which, they will move forward with hiring a realtor to sell it.
- Cloverfield resident, Patrick Curtis had called Craig's office about the stormwater detention pond close to his home. To date, he has not submitted pictures or a complaint in writing to the Borough Office but was urged to do so.
- Use of social media--a recent case in which a township supervisor posted municipal items on Facebook, but when someone posted something the supervisor didn't like, she blocked/banned that person from commenting on this "semi-public" site. That person sued and the case went to the fourth circuit which is the court right under the Supreme Court of the United States. The U.S. Court of Appeals for the Fourth Circuit said if a website, Facebook page, or other media source where people can post comments is going to be maintained, you cannot ban people because it's a violation of their 1st amendment right, Freedom of Speech. Craig recommended that, when Borough staff creates a Facebook post, make it "for informational purposes" only, so as not to invite comments/conversation and/or cause any conflicts.

5. **Engineer's Report**—Jason Brenneman gave an update on the College Ave (Rt.851) stormsewer replacement project. Council voted last month to move forward with the repair, but discussion was held on signage for a separate truck detour going down Rt. 24 rather than through the residential neighborhood. Clearview Excavating gave an estimate of \$8,500 for the cavity/sinkhole repair, along with the water line repair (if needed). They stated trucks aren't supposed to travel Rt. 851, per signage that is already installed on Rt. 24 (and on Rt. 851) prohibiting this; however, a few trucks still do it. Clearview added \$1,000 to the project cost for additional signage should Council want to add it for a truck detour. This would include detour signage in the small portion of Maryland (at Wiley's Station) that would need to be done also; however, Clearview stated Maryland requires things to be done a little differently, should Council require the signage.

Since Clearview is estimating the project to only take 2-3 days, Mr. Kurtz made a motion to detour truck traffic through the residential neighborhood rather than obtain additional signage detouring down Rt. 24; Ms. Kreiss seconded. All were in favor; motion carried.

6. **Sewer/Water Supervisor Report**—Ira Walker, Jr. submitted his report, which will be on file with these Meeting Minutes. Previous expenses had been approved by the Sewer & Water Authority and new expenses will be presented to the Authority later this month.

7. **Mayor's/Police Report**—Mayor Herzberger reported:

- He assisted with the recent Hopewell Area Recreation & Parks audit. Now that HARP is building a larger capital reserve fund, it was suggested that they obtain an accounting firm to implement a better system of control & to instill regulations concerning their finances.
- He received a letter from an elementary school student requesting crosswalks across Main Street (across from the old shopping center). Being that Main Street (Rt. 24) is a State road, PennDOT would need to approve it & it may involve a traffic study. This issue was reviewed a couple years ago for a crosswalk at the post office. Mr. Kurtz said he will be discussing this with Kristin Phillips-Hill & will report back. The Mayor will respond to the student, urging her also to reach out to the local State representative's office about this issue.
- Wednesday, March 3rd is the next Police Commission meeting.

8. **Treasurer's Report**—Stacy Myers reported

- The 2019 Audit started today.
- March 26th--York County Borough Association dinner/meeting will be held at Dallastown Fire Company.
- 2020 Liquid Fuels allocation in the amount of \$63,744.12 has been received.
- Ferd Dorn (Dorn Electric) has completed upgrading 27 Borough streetlights to LED, but there are eight additional Borough streetlights that were not on Ferd's original list. He can replace these 8 at a cost of \$3,200 installed. Mr. Kurtz made a motion accepting Dorn Electric's quote of \$3,200 to upgrade the 8 additional streetlights. Mr. Gemmill seconded. All were in favor; motion carried.

Also, Ferd found an issue with the streetlight at the corner of Shawnee & George. He believes the underground electric line may be severed but won't know the exact problem until he digs up the area. He's not sure what exactly will be involved in the repair but can give an estimate or "not to exceed" amount for the repair. Mr. Gemmill made a motion authorizing Dorn Electric to repair the Shawnee/George streetlight; Mr. Burkins seconded. All were in favor; motion carried.

Council would like to pursue upgrading the streetlights owned by Met-Ed to LED. More information will be gathered about this.

9. **President/Vice-President Report**—Mr. Kurtz reported:

- Per Larry Kunkle's request, Mr. Kurtz looked at the parking situation around Camelot where a trailer (and occasionally other vehicles) park across the street from Camelot's parking area, which makes it almost impossible for Kunkle's snowplows to get through. Because of this,

Larry requested No Parking signs be installed to prohibit parking on one side. There is off-street parking in that area, but residents' additional vehicles are parked across the street, making it very narrow for the snowplow, and other larger vehicles to get through. There is a No Parking sign in that area, but the trailer owner parks beyond that sign, which is legal, but makes an already narrow street, even narrower. Mr. Sharnetzka suggested the Borough Engineer look at the area in order to move forward with banning parking on that one side of the street.

- Monday, April 6th @ 10am—tour of York County Solid Waste plant will be held for those interested in attending.
10. **Council recessed to Executive Session @ 8:15p.m.** to discuss personnel issues.
 11. **Council reconvened @ 8:42p.m.** No decisions were made.
 12. **Adjournment**—Mr. Burkins made a motion to adjourn the meeting @ 8:42p.m. Motion carried, meeting adjourned.

Respectfully submitted:

Stacy Myers, Recording Secretary