**Stewartstown Borough Council**

**Meeting Minutes**

**Monday, May 7th, 2018**

**Members Others**

Gordon Wisnom, Sr. Craig Sharnetzka, Solicitor

Donna Bloom Jason Brenneman, Engineer

Roy Burkins Ira Walker, Jr., Sewer & Water

Kenton Kurtz Stacy Myers, Recording Sec’y

Mayor Robert Herzberger

**Visitors**

Mark Raulie

Earl Long

Barb Wilson

Terrell Turner

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

* Mr. Burkins made a motion to approve the April 2nd, 2018 Meeting Minutes; Mr. Kurtz seconded. All were in favor; motion carried.
* Financial Statements
  + Mrs. Bloom made a motion to approve the General Fund bills paid March 29th through May 3rd, totaling $131,098.98; Mr. Burkins seconded. All were in favor; motion carried.
  + Mr. Kurtz made a motion to approve the Sewer Fund bills paid March 29th through May 3rd, totaling $63,903.27; Mr. Burkins seconded. All were in favor; motion carried.
  + Mr. Burkins made a motion to approve the Water Fund bills paid March 29th through May 3rd, totaling $62,795.55; Mrs. Bloom seconded. All were in favor; motion carried.

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

* A representative from the Southern York County Rotary Club was present to discuss their Flags for Heroes Program. The program encourages residents or businesses to purchase flags to be displayed during the week of June 14th (Flag Day). The sponsors can designate a hero (military, firefighter, police, etc.) in whose name to place the flag. The Rotary Club is hoping to display at least 25 flags ($50 each) at 3-4 locations in Railroad, New Freedom, Shrewsbury and Stewartstown. Stewartstown’s will be placed at Stewartstown Elementary School. With the money raised from the flag sales, the Club will offer student scholarships, fund education projects, library needs and fund clean water programs. At the end of the display week, a medallion will be presented to each sponsor who purchased a flag in honor of their hero. All Council members present took a sponsorship form for the flags.
* Barb Wilson, 36 Mill Street was present to discuss the problem she is having with the group home next to hers at 38 Mill Street. She has lived in her home for 54 years and has never experienced problems like she has now. She finds bottles, cans, cigarette butts and other litter in her yard and bushes from the residents who live at 38 Mill. She has had her property surveyed, only to have the survey pins broken off or removed altogether. A 3’ marble decoration was broken in her garden recently also. Council members and Mayor Herzberger said when it involves trespassing and vandalism, it is a Police issue. They advised Mrs. Wilson to document dates & times of the incidents and if she can get pictures, that would be helpful to the Police too.

1. **SOLICITOR’S REPORT**—Mr. Sharnetzka reported:

* Shenk case is on appeal to the third circuit. They did reduce the fee request from one of the co-defendants (Levin) and he has been awarded $41,000 in attorney’s fees. Levin has also challenged the current appeal to the third circuit as “untimely”. Our attorneys did not do that, but if he wins, our case would go along with that and would be kicked out as well. More on this later.
* Dollar General issue has now been finalized. Jason was happy with the vegetation at the site. The contractor has paid all legal & engineering fees and costs, so the Bond will now be released.
* Friday, June 22nd @ 6p.m.—Municipal Night at the Stadium with CGA Law Firm.
* May 31st from 3:30-5p.m.—Seminar on emergency services & public safety to be held at CGA Law Firm offices. Council & employees are welcome to attend.
* Olsen Accounting’s lease ends July 31st, 2018. As stated in the agreement she signed when she moved into 6 North Main, Suite B, her rent gradually increased over 3 months, then 6 months then 2 years. She currently pays $650/month; after the 2-year period, it is to increase to $1,000/month. She sent an email to Craig stating she would like to talk about the terms of her agreement. Mr. Burkins will get in touch with her.
* Firework sales in the Borough—Craig is not pursuing this unless Council advises him to do so; at this time, they are not.

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

* Kincaid’s (73 High Street) contacted Jason after the April meeting asking for a small revision to the piping. They wanted it extended a little further; however, Jason said it’s not a huge change & he believes we can make it work. He hasn’t heard back from them after sending the revised plan. Once he does, he will contact Craig to get easement agreements in place.
* Street Projects—the following were proposed for repair:
  + Ecker Avenue—Repair & material, approx. cost $100,275
  + Icehouse Drive—there is a big stump around the manhole; piping appeared okay when videoed last year but we won’t know for sure until dug up. A small area can be milled around the stump, then repaired to be sure it doesn’t settle/sink down too far. This may be an Authority issue; more on this later. This approx. cost is $4,400.
  + Church Street—small depression in the pavement. Approx. repair cost is $1,200.
  + Jason discussed wage rates with Craig. Once a project costs go over $100,000, wage rates must be applied to the labor & that increases the total cost by 20-30%. It’s based on the Engineer’s estimate, so Jason could possibly get the Ecker Avenue project below $100,000. Icehouse & Church may be given to a separate contractor. Mrs. Bloom made a motion authorizing Jason to move forward with bidding Ecker Avenue as a single project, recalculating it to stay under $100,000 by the June meeting. And we will keep Icehouse & Church as a separate project that will not need to be bid. Mr. Burkins seconded. All were in favor; motion carried.
  + Earl Long asked who owns the property (forest area) at the end of the Bailey Springs shopping strip. Mr. Sharnetzka will do a title search, as no one seems to know who owns it. Also, Harry Nizer is working with Ira Walker, Jr. to install the traffic directional signs in the Bailey Springs roundabout.
  + Ira mentioned two sinkholes developing in the Borough parking lot. Mr. Burkins made a motion to move forward with repair. Mrs. Bloom seconded. Since it’s unknown what may be involved with the repair, Council wanted to put a cap on the cost. Mr. Burkins amended his motion to include “not to exceed $10,000 without further approval”. Mr. Kurtz seconded. All were in favor; motion carried.
  + Chantilear Court—resident at 13 Chantilear has been discharging their sump pump into the public right-of-way for quite some time. The Borough Office had received calls from concerned citizens because there are depressions in the street in some areas. Jason stated the water is running directly behind the curb which can cause a public safety issue, especially in winter if it freezes. If it causes a public safety issue, the Borough can intervene. Jason stated some municipalities have Ordinances requiring sump pumps be discharged 15’ or further from property lines. If the 13 Chantilear Ct. resident discharges in the other direction, the water will run onto the neighbor’s property, causing other issues.

Ira had previously patched some of the potholes in the area; there are several depressions in that cul-de-sac. When he brought this issue to Council years ago, Council was amenable to paying half the cost of piping the water to the inlet; however, the resident never returned correspondence about it. The Borough asked them to pay half the cost to resolve the issue, but no response from the homeowner was received. Being a hazard, a nuisance to our streets and a public safety issue, Mr. Kurtz made a motion authorizing CGA Law Firm to send a letter to the 13 Chantilear Court homeowners urging them to stop discharging their sump pump into the public street. Mrs. Bloom seconded. All were in favor; motion carried.

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:

* Of note, the Sewer & Water Authority approved the purchase of a new truck to replace the 2001 International. The truck, a multi-purpose vehicle with different truck bodies, will be purchased from MJR at a cost of $227,380.50 and should be ready by Fall 2018.
* Mr. Burkins made a motion to approve the cost for a new chlorine chemical feed pump (for Rt. 851) at a cost $1,753; Mr. Kurtz seconded. All were in favor; motion carried.
* Mrs. Bloom made a motion to approve the purchase of couplings & hoses from Keystone Rubber Corporation for $534.20; Mr. Kurtz seconded. All were in favor; motion carried.
* Of note, Sewer Pumpstation #11 experienced a broken antenna recently from a tree limb.

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

* He was approached by a few Officers regarding the signage prohibiting tractor trailers from coming into town via Rt. 851. There is currently no sign coming from the South; others are hard to read. Police would like these replaced or amended so they are able to enforce them, but these are State roads & PennDOT signs. Mrs. Bloom will contact Representative Kristen Phillips-Hill regarding this issue.
* Police Commissioners met recently to hear New Freedom Borough’s proposal. New Freedom wished to buy services but not at the current rate and included a caveat that they could drop out whenever they wished as a paying customer. Their proposal was denied at that May meeting. New Freedom stated they are going to try to figure a way to stay in the contract as a full member. More discussion should be held at New Freedom’s Council meeting on Monday, May 14th. Mayor has heard that New Freedom may rescind their letter to drop out and remain as a full member. They would have the opportunity this Fall, if they chose to, to put the Commission on notice that they would drop out in 2019. The 2nd option is for New Freedom to come up with another way of calculating services/membership. Whether or not this would include a long-term commitment is unsure. The 3rd option is for them to withdrawal altogether.

There is probably not much for Stewartstown to do at this time until New Freedom decides; however, if we don’t make a decision in June, the process would begin creating a separation agreement. So far, all members are on notice as withdrawing at the end of 2018. No one has rescinded their letters of withdrawal. The Police Commission asked New Freedom to hold a special meeting so there would be no calendar/meeting conflicts, but New Freedom declined to do so.

Mr. Sharnetzka stated the agreement states a separation agreement be in place by July of the year of withdrawal, which would be July 1, 2018 for Stewartstown Borough. This can still be stopped, if Council wishes. President Wisnom stated that Stewartstown has already put State Police on notice as possibly contracting services with them. New Freedom has continued to “muddy the waters” with their accusations so as it stands now, Stewartstown must move forward with withdrawing. Otherwise, New Freedom will continue to do what they’re doing.

* The Commission is currently trying to determine how much to charge schools for School Resource Officers. There has been requests from Southeastern & Southern School Districts. A short-term agreement was created with Southeastern for services thru the end of this school year. Southeastern expressed interest in having an SRO at the beginning of school year, Fall 2018. With the administrative costs included in the SRO charge, Mayor Herzberger doesn’t believe the school district will agree. It could be done, the Mayor believes, if we’re willing to purchase 24/7 coverage for the two officers. The number of incidents that the PPU system is based upon, does not indicate we need 24/7 coverage. If we would keep the 24/7 rule, staff would need to be increased & costs would increase approx. 15%.
* Police have asked for an upgrade to the cameras at the Rutter’s Stores, especially W. Pennsylvania location as they will soon be selling alcohol. They would like cameras to be a better quality for easier identification in the event of burglary, etc. Mr. Sharnetzka believes the request would mean more coming from the Police. Mayor Herzberger will mention this at the next Commissioners meeting in June.

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

* Fire Police requests—Mr. Burkins made a motion to approve the following requests; Mr. Kurtz seconded. All were in favor; motion carried.
  + Shrewsbury Borough Firemen’s Carnival—June 25th-30th
  + Fawn Grove Borough/Kennard Dale graduation & Olde Tyme Days Parade
  + Felton Borough Street Fair—May 12th

1. **VICE-PRESIDENT’S REPORT**—no report tonight
2. **TREASURER’S REPORT**—Stacy Myers reported:

* Borough Yard Sale, May 19th—Council gave their consensus to allow Borough staff to have yard sale items for sale in the Borough Meeting Room.
* Credit card for Borough use—Mr. Kurtz made a motion authorizing Stacy Myers to obtain a credit card to be used for certain Borough expenses through a local bank; Mrs. Bloom seconded. All were in favor; motion carried.

1. **ADJOURNMENT**—With no further business before the Council, Mr. Kurtz made a motion to adjourn the meeting @ 8:21p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary