

**Stewartstown Borough Council**  
**Meeting Minutes**  
**Monday, May 2<sup>nd</sup>, 2022**

**Members present**

Pam Almony  
Donna Bloom  
Polly Kreiss  
Kimberly Carl  
Roy Burkins  
Bill Gemmill  
David Elwell

**Others present**

Mayor Brittany Barnette  
Craig Sharnetzka, Solicitor  
Ira Walker, Jr., Sewer/Water  
Stacy Myers, Recording Sec'y

**Visitors**

Kenton Kurtz  
Nathan McCloskey  
Jason Roberts  
Peggy Raulie

Linda Miller  
Lona Full  
Ken Anderson  
Jill Hamme

Felicia Markline  
John Barnette  
Gordon Wisnom, Sr.  
Erica Rearich

1. The meeting was called to order @ 7:00pm, followed by the pledge to the flag.
2. **Public Comment**—Kenton Kurtz addressed Council about the following:
  - Mason Dixon Library & American Legion will once again hold a July 4<sup>th</sup> Decorating Contest. Any resident in the municipalities served by MDL can participate (Stewartstown, Hopewell Township, East Hopewell Township, Fawn Grove, Fawn Township & Crossroad Borough). If a resident wishes to have their decorations judged, there is a registration fee (TBA). Registration forms will be available at the Stewartstown Borough Office (6 N. Main Street) or Mason Dixon Library (250 Bailey Dr.). A planning meeting is scheduled for Thursday, May 12<sup>th</sup> @ 6pm at the library. Anyone wishing to help is welcome to attend.
  - What was the outcome of the Charlie Wierman vs. Stewartstown Borough legal matter regarding the Nuisance Ordinance violation? Atty. Sharnetzka said there's an opinion from District Magistrate Manifold stating the Borough didn't have enough evidence of a nuisance at Wierman's Ovelton Avenue property. Stewartstown Borough could have appealed the decision if Council wished, but they decided last month to let the matter go.
3. **General Business**
  - **Approval of Meeting Minutes**—Mrs. Carl made a motion to approve the April 4<sup>th</sup>, 2022 Meeting Minutes; Mrs. Bloom seconded. All were in favor; motion carried.
  - **Approval of Financial Statements**
    - **General Funds**—Mrs. Bloom made a motion to approve General Fund bills dated Mar 31<sup>st</sup> thru Apr 27<sup>th</sup>, 2022 totaling \$103,542.65. Ms. Kreiss seconded. All were in favor; motion carried.
    - **Sewer Funds**—Ms. Kreiss made a motion to approve Sewer Fund bills dated Mar 31<sup>st</sup> thru Apr 27<sup>th</sup>, 2022 totaling \$51,825.93. Mrs. Bloom seconded. All were in favor; motion carried.
    - **Water Funds**—Mrs. Bloom made a motion to approve Water Fund bills dated Mar 31<sup>st</sup> thru Apr 27<sup>th</sup>, 2022 totaling \$47,370.23. Ms. Kreiss seconded. All were in favor; motion carried.
4. **Solicitor's Report**—Craig Sharnetzka reported the following:
  - **1 N. Main Street Sidewalk/Teton Homes, LLC**—Craig's office sent a certified letter to the property owners regarding the sunken, cracked sidewalk in need of repair/replacement. They have until June 30<sup>th</sup> to make the repair.

- **Municipal Night at the Ballpark**—Friday, May 20<sup>th</sup> at the Revolution Stadium (N. George St.)—Borough staff & elected officials can join CGA for a night of food, fun & ballgame (invitations have been mailed).
5. **Engineer's Report**—Jason Brenneman was not present tonight but had submitted the recommendation that two inlets on High Street be replaced now rather than waiting until the street paving work is completed. The estimated cost is \$10,000 for the inlets & it could be paid with Liquid Fuels monies.  
Mrs. Bloom made a motion to approve Jason's office moving forward with obtaining estimates & coordinating the work with a contractor. Mr. Burkins seconded. All were in favor; motion carried.
  6. **President/Vice President Report**—Ms. Almony gave an update on sidewalks, stating she, Mr. Elwell & Mrs. Bloom had met to discuss the Ordinance and asked Wade Portner (Zoning Officer) to walk North/South Main Streets & East/West Pennsylvania & note all sidewalks out of compliance with the current Sidewalk Ordinance specifications. Missy Matthews had gone with Wade & they created that list, along with some pictures.  
Although the Streets & Roads Committee (Almony, Bloom, Elwell) hadn't met since receiving the list, they plan to meet within the next few weeks to discuss the future plan for sidewalks. Ms. Almony & the committee is aware they can't "pick & choose" where the Ordinance will be enforced. Mr. Gemmill agreed & stated enforcement must include all properties or none. He said Council has talked about E. Pennsylvania Avenue sidewalk repair AND street repair for years and to date, nothing has been done.  
Mr. Elwell said the list that Wade/Missy created presents an initial task of work that needs to be done, but we would need to know square footage so repair estimates could be gathered. He suggested obtaining a mapping tool that would offer visualization to know where the work needs to be done. This can be a committee discussion as well. Mrs. Bloom & Mr. Elwell said Dallastown Borough has a mapping system that tracks pipe work, water & sewer, street work, sidewalk work, etc. Connie at Dallastown has offered to help in any way if Stewartstown decides to pursue this.  
Mr. Wisnom (visitor) asked if Council decides to repair sidewalks, would they need to be to current standards which require a wider (4') sidewalk? Atty. Sharnetzka said yes, it would be to current standards and would need to be ADA compliant which is a big expense.  
Ira Walker, Jr. mentioned when the Authority completed the Main Street Water Line Project in the early 90's, they allowed homeowners to set up payment plans for the costs associated with replacing their water lines. That's an idea to keep in mind.  
Ira also reminded Council again about the Borough's stormwater infrastructure that needs to be addressed. We don't want to repair sidewalks, then have the stormwater system fail. Jason Brenneman had an intern from his office complete a map of the Borough's stormwater system. Staff will reach out to Jason as a follow-up on that work.  
Mrs. Carl stated the software reported on above would be a good resource for the stormwater system & for road work and it may help when/if grants are applied for because some of the cost estimations would be completed & recorded in that software.  
Erica Rearich, (New Freedom Borough Council) stated that New Freedom completed the mapping of their system last month, so the Borough Manager (Andrew Shaffer) could be contacted for information, if needed.
  7. **Treasurer's Report**—Stacy Myers reported:
    - As the Sewer & Water Authority needs to complete expensive upgrades to the system, loan & grant options need to be researched. Since the loan applicant for funding will be Stewartstown Borough, Mrs. Myers requested authorization from Council to allow her to pursue loans for the Authority projects. The Borough signs on the loan because it needs to be an entity who can pledge the taxing authority, but the Borough doesn't pay on the loan, the Authority does.

Mr. Burkins made a motion authorizing Stacy Myers to research grant & loan opportunities for the Authority's Sewer Plant upgrades; Mr. Gemmill seconded. All were in favor; motion carried.

Of note, Kenton Kurtz who serves as Chairman of the Sewer & Water Authority invited anyone from Council and/or the public to attend the Authority meetings which are held the 3<sup>rd</sup> Wednesday of each month at 7:00pm.

- Fire Police requests—Mr. Burkins made a motion to approve the Fire Police to attend the following events; Ms. Kreiss seconded. All were in favor; motion carried.
  - Kennard Dale graduation (if needed)
  - Olde Tyme Days Parade—Saturday, June 25<sup>th</sup>
  - 9<sup>th</sup> Annual York PA Fire Muster—Sunday, September 25<sup>th</sup>
- Update on 14 N. Hill Street's missed recycling collections (reported last month)—Penn Waste submits an email to Borough staff every Tuesday with whether or not the resident has their recycling at the curb, so they're staying on top of the situation very well.
- 8. **Sewer & Water Supervisor Report**—Ira Walker, Jr. presented the new items from his monthly report. All expenses have or will be presented to the Authority for approval.
- 9. **Mayor's/Police Report**—Mayor Barnette reported the following:
  - She met with Jason Cole regarding the Main Street 5K who stated interest in the event is growing so it should be a good event.
  - Jack & Elijah, two of the youths that attended March's Council meeting regarding creating a local skate park visited HARP, although HARP was concerned there wouldn't be enough interest in a skate park. Jack & Elijah created a petition & received over 1,000 signatures in about a week. Mayor Barnette will attend the next HARP meeting with Jack & Elijah.
  - Word For the World Church (15 & 17 N. Main St.) staff met with Mayor Barnette recently to discuss ways they could get involved with the community and help to make it a welcoming town for visitors.
  - April's Police Commission Meeting updates:
    - Mayor read a letter from a resident to Officer Smith thanking the Officer for his help during a low point in their life. They were very grateful!
    - Chief Boddington reported on an electronic tracking device (worn like a wristwatch) to help track elderly and/or sick people such as those with Alzheimer's, dementia, or other special needs, should they wander away or get lost. The device comes at no cost to SRPD & a low cost to caregivers, should someone be interested in obtaining one. It can be used on foot, in a vehicle and in air. Information on the device will be added to the next Borough newsletter to make the community aware.
    - A recent donation made it possible for Officer Smith to obtain his goal of purchasing a vehicle for the K-9 unit. The vehicle doesn't come equipped with the necessary equipment for the dog, so the Police Commission has funded the equipment purchase with the agreement that donations received will be used to reimburse them.
  - Glen Rock Borough Town Hall Meeting—Mayor Barnette & a few other Commission members attended; however, no meeting was held & no update on another meeting was given. The source of the data that had been received has still not been revealed.
- 10. **Committee Updates/Discussion**
  - **Economic Development Committee**—Mrs. Carl gave an overview of the 1<sup>st</sup> meeting:
    - Committee members--Brittany Barnette, Kim Carl, Roy Burkins, Polly Kreiss, Jason Roberts, Ferd Dorn, Ken Anderson, Seth Henschen & Katie Elwell
    - A lot of issues were discussed but the former movie theater site dominated the discussion. Since the bidding for the vacant site only brought one bid of \$3,000, the Committee would like to research ways to recoup some of the money the Borough spent during & for demolition. Mrs. Carl met recently with York County Economic

Alliance & Rail Trail Authority which was a very informative meeting with Senator Kristin Phillips-Hill in attendance. Mrs. Carl learned that once a municipality applies for funding for the abatement of a property, it typically never happens where a municipality retries for funding on that same property. Instead, the municipality can use the money already spent on the abatement as matching funds when applying for a grant. Other items came out of the meeting such as a multi-municipal program for a rail trail endeavor. This could be a benefit when applying for grants too, rather than a single municipality application.

There are other zoning questions/issues regarding the theater lot. Being a narrow lot, the dimensions restrict what it can be used for. Mrs. Carl said a lot of work would need to be done to make the site attractive to a buyer, one willing to pay more than \$3,000 (the bid that was received). Other ideas were discussed such as making it a parking lot & selling parking permits for nearby residents who need parking. Mrs. Carl requested that Jason Brenneman outline what needs to happen with zoning for that site. Ms. Almony suggested Mrs. Carl direct her zoning questions to the Borough's Zoning Officer and/or Missy Matthews first.

Mr. Wisnom, Sr. had previously stated that, once the point of the original building is removed, then the preexisting non-conformity goes away & you must meet all current zoning requirements. Mr. Sharnetzka said the preexisting non-conformity goes away after 1 year (from the time of removal/demolition), then all current setbacks & zoning criteria needs to be met. As long as the permitting would be completed & the idea is followed through within that one-year period, the preexisting non-conformity conditions could remain.

Mr. Wisnom also stated the Borough won't ever recoup the amount of money spent on the theater demolition. The theater was an eyesore & a complaint of many residents for 20+ years and it took the Borough quite some time to get to the point of demolition, but the money spent won't ever be recouped.

Another idea that stemmed from the YCEA meeting was using the site as a recreation site, i.e., some type of park, memorial, history marker, etc.

If anyone is interested in becoming part of the Economic Development Committee and its discussions, they plan to meet the 3<sup>rd</sup> Thursday of each month @ 7:30p.m. in the Borough Office meeting room.

Until a decision is made for the theater site, Mr. Gemmill suggested split-rail fencing be placed at each corner in an attempt to dress up the gravel lot & to deter people from parking there. Other ideas can be discussed at the June Council meeting.

- **IGA Committee**—Mrs. Bloom stated the agreement is now with the attorney & hopefully more will be known at the next meeting tomorrow night, 5/3 before taking it to the Commission Wednesday night, 5/4. It must go back to the municipalities for review prior to being voted on.

11. **Executive Session**—Mr. Gemmill made a motion to recess to Executive Session @ 7:52pm to discuss a personnel issue. Mr. Burkins seconded. All were in favor; motion carried. Ms. Kreiss made a motion to reconvene the Council meeting @ 8:11p.m. Mrs. Bloom seconded. All were in favor; motion carried. Mr. Gemmill made a motion to hire Nathan McCloskey full time, effective June 8<sup>th</sup>, 2022 with his insurance benefits to begin immediately upon hire. Mrs. Bloom seconded. All were in favor; motion carried.
12. **Other Business**—Mr. Burkins made a motion authorizing Borough staff to fill a pothole near 18-20 W. Pennsylvania Avenue; Mrs. Bloom seconded. All were in favor; motion carried.
13. **Adjournment**—With no further business before Council, Mr. Burkins made a motion to adjourn the meeting @ 8:12p.m. Motion carried; meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary

## Theater Property Situational Summary – 3 N. Main Street

In 2021 the Stewartstown Borough purchased the theater project at 3 S. Main Street, is no longer a liability and hazard to the community, but it has cost the Borough tax payers \$195,250, after the abatement reimbursement.

After meeting with representatives from the York County Economic Alliance who administer the Rail Trail program, it was verified that after abatement relief is given to a property, you cannot go back for a subsequent request for additional funds to cover abatement. The \$50k that was received, is it. Instead, it is best to use the funds invested, as part of a matching requirement for possible grants.

**Property Risks:** the property faces two major obstacles, at the least. No matter which direction the Council votes, these need serious consideration.

1. **Obstacle One:** Its location at a main intersection on a State road, requires Penn Dot's approval of any future use except for a greenspace that does not require parking or vehicles. That process requires:
  - a. An engineer's design plan for the lot
  - b. A possible traffic study completed
  - c. Preparation of a Highway Occupancy Permit (HOP) to Penn Dot for review
  - d. A strong possibility that they will NOT approve the plan and vehicle access to and from Main Street
  - e. There was a right-a-way from the right-rear corner to Bill's property, but is not accessible due to a deck and stairway. So that right-a-way is no longer applicable. Right-a-ways cannot be moved.
  - f. This could be upwards of a minimum of [\$10,000-\$15,000] of additional expense with a sizeable risk of it not getting approved. This process after submission could be months of waiting
2. **Obstacle Two:** the theater was "inactive," therefore making it a "non-conforming lot," according to existing zoning requirements. Therefore, the option of replacing a structure at the same "points," of the previous structure (within 12 months) is null and void. Whatever goes in its place must abide all current Commercial/Village Zoning requirements within the Borough. In essence there is no grandfathering option and you cannot change the zoning for just one property, called spot zoning. That is prohibited under Commonwealth code.

### Property Specs:

1. Dimensions:
  - a. Width: 44'
  - b. Length: 149.5'
2. Setbacks:
  - a. The side setbacks are 10' on each side (driveway does not need setback)
  - b. 30' front and 30' from the rear
3. Coverage:
  - a. Maximum lot coverage shall not exceed 50% of the lot
  - b. Not less than 10% shall be covered with vegetative materials

**Property Uses:** the following are all the possible uses for the property, and potential steps required for such uses and potential costs

1. **Residential.** According to Wade, Commercial/Village doesn't allow for this option for residential housing to be put on this lot. [Residential homes require only a 18'-20' wide driveway.] Since the location is off of a main intersection, the development would require a turnaround area, so that vehicles won't need to back out of the driveway at a dangerous location



2. **Commercial.** The property would need to go through the HOP process with Penn Dot. The property also has a larger driveway requirement of 24' wide and requires more parking. Parking standards are as such under each kind of use:
  - a. Retail: 1 parking spot per 100 sq ft net floor area
  - b. Office: 1 parking spot per 300 sq ft net floor area
  - c. Restaurant/F&B: 1 parking spot per four-top seating
3. **Parking Lot.** This option was suggested to help recoup the invested funds, over a longer period of time. The concept would include permitted parking, sold annually or semi annually from the Borough office. However, there are several obstacles to consider:
  - a. The property would need to be surveyed for development purposes
  - b. Penn Dot would require a HOP, with no guarantees of it getting improved. They could require a one-way entrance and a separate rear exit. The only way for that to happen, is to get a right-a-way from the neighbor to exit on E. Pennsylvania Avenue
  - c. To get a right-a-way, would require negotiations with the neighbor, perhaps will the idea of getting a few parking spot permits per year without charge. This could make his property more valuable, with the option of additional adjacent parking
  - d. Are there enough residents that would want to pay permitted parking and at what cost?
  - e. The Borough would have to pay additional funding for engineering plans on the parking lot design and HOP, and any necessary changes. There would be solicitor charges as well for negotiations with the neighbor and any right-away filings with the County Register of Deeds.
  - f. At a minimum, we could see fees over \$10k - \$15k to attempt this option, and if approved, there would be the fees to pave and improve the lot. The Borough would be spending more money to make a little each year
4. **Leave it for Now, Find a Green Space Option.** In meeting with the folks at the YCEA, I was encouraged to look forward on the lot and that looking for funding to cover the abatement fees was a moot point. However, funds spent already, could qualify as the matching funds portion to any matching funds grant. So, while the investment thus far would not be reimbursed, we could apply for a grant to develop it for green space or recreation.
  - a. If we can get Stewartstown eventually approved as a Rail Trail town, a stopping/ rest spot could be a good use, with a public water fountain, bike racks and sitting areas
  - b. Dog walking park
  - c. Town signage and historic markers
  - d. Small tabernacle/pavilion, seating, green space for group of 40 or less to rent from the Borough
  - e. An option with a pavilion or tabernacle could provide for possible revenues to offset maintenance such as lawn care
  - f. All engineering plans could be covered by a grant, "modifying" the land to its intended use
5. **Sell is by Bid Again.** Hope that a higher minimum bid will be received
6. **Sell it by MLS.** After a second bid attempt, nothing acceptable comes in, we can choose to list it on MLS, however there will need to be full disclosure

Property Risk 1E – if there's a r/w and the deck and stair was built in the r/w, then the r/w is open...the deck and stair should not have been built in that r/w. More research would be required.

Property Risk 1F – 10-15K is accurate for an HOP permit but probably low if a study is required by PADOT. I doubt a study would be required by PADOT though but you never know.

Property Specs 2A – driveway does not need setback but there typically driveway needs to be certain distance from property line (typically 3') but would need to be verified.

Property Use 5 – as pointed out in this document, this property would be very difficult to develop or have any "significant" use on it. To me this property is valuable to the adjacent properties for development, but these properties know that also...I would not expect to get a much higher bid however as noted...this gives you the opportunity to list it as noted in #6 but again I don't see anyone being interested in it unless they'd purchase adjacent properties. Honestly, I hope I'm wrong and the Borough benefits greatly.

Jason M. Brenneman, P.E.

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