

Stewartstown Borough Council Meeting Minutes
Monday, November 6th, 2023

Members present

Pamela Almony
Polly Kreiss
Donna Bloom
Kimberly Carl
Roy Burkins
Bill Gemmill
Dave Elwell

Others present

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

Visitors

Jason Roberts	Stephanie Thompson	Erica Rearich	Dave Stampler
David Wisnom	Linda Miller	Eric Price	Patricia Ripple
Betty Waltemyer	Bentley Sharar	Nancy Solomon	David McClure
Michael Binko	John Desmone	James Fritz	Joe Darcy
Officer Smith, SRPD	Eric Gordon & Genie Wisnom	Peggy & Mark Raulie	

1. The meeting was called to order @ 7:00p.m followed by the pledge to the flag.
2. **Public Comment/Visitors**—Dave Stampler, Zoning Hearing Board member, had a copy of the Land Development Plan for Bailey Hotel Suites, which was agreed upon & signed off on by Borough Council (Dec 2020) & Planning Commission (Oct 2020). The plan says “hotel”, not apartments, and nothing different has ever been submitted. While continuing to build the hotel, the developer submitted a request for a Variance to make the building into apartments. This request was denied unanimously by the ZHB. There was ample testimony at the Zoning Hearing that the developers were amenable to making it a hotel. Now, the developers are appealing the ZHB’s decision, claiming there were pre-prepared decisions from the ZHB members, which Dave says is false. There were no pre-determined decisions of any kind on the part of the members. He also stated the developers weren’t able to prove any hardship for their Variance request. There are no sidewalks on the LDP, indicating it was planned as a hotel, not apartments. And it brings more business to town as a hotel. Dave hopes Borough Council votes for this appeal to be handled in court in front of a judge, and not make any rash decisions.
3. **General Business**
 - **Approval of October 2nd, 2023 Meeting Minutes**—Mr. Elwell made a motion to approve the October 2nd, 2023 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 Sept. 28th thru Nov. 3rd, 2023, totaling \$135,636.92. Mr. Burkins seconded. All were in favor; motion carried.
 - **Sewer Funds**—Ms. Kreiss made a motion to approve Sewer Fund bills dated Sept. 28th thru Nov. 3rd, 2023, totaling \$93,994.80. Mr. Elwell seconded. All were in favor; motion carried.
 - **Water Funds**—Mr. Burkins made a motion to approve Water Fund bills dated Sept. 28th thru Nov. 3rd, 2023, totaling \$49,495.48. Ms. Kreiss seconded. All were in favor; motion carried.
4. **Engineer’s Report**—Jason Brenneman reported:
 - **56/58 S. Main Street Storm Sewer**—This work is now complete. Springfield Contractors submitted a Change Order in the amount of \$5,511.10 due to finding a different size pipe after excavation was done, along with special order pipe fittings that were necessary. Jason & Ira concurred with the Change Order.

Mr. Burkins made a motion to approve the Change Order and to make the final payment in the amount of \$24, 902.10 (which includes the CO cost). Ms. Almony seconded. All were in favor; motion carried.

- **Street Work**—the County LSA Grant was submitted in October, for E. Pennsylvania Avenue work. Jason’s office is currently working on the Statewide LSA Grant, which is due at the end of November. The total project amount is approx. \$1million which includes engineering, contingencies, inspections, construction, building, & administration.

The scope of work includes curb & sidewalk on the South side ONLY, none on the North side because of the slope of the land. There is no match for this grant, but a Resolution is required. Once all work & costs are completed, Jason can fill in the amount on the Resolution.

Mrs. Carl made a motion to adopt Resolution 2023-07 for up to \$1million to be submitted by the November deadline for the grant. Mrs. Bloom seconded. All were in favor; motion carried.

- **George Street Townhomes**—Jason & Borough staff has been working with the builder on some stormwater issues that are occurring. Jason conducted testing on the porous pavement for the driveways and they all failed. The paving supplier won’t provide support, so a backup design is being sought. The Borough has a bond in place to cover all the work that needs to be done yet.

One of the punchlist items of the developer (different than the builder) is a possible handicap ramp on the George Street Townhome side (end of George Street) because of the slope of George Street. This would be their cost to install. Jason presented a sketch of the area in question. Jason, nor Ira believe George Street would ever be extended due to the wetlands there, but if they were, ADA ramps could be installed by whomever was extending the street. If Council is amenable, the developer plans to extend the sidewalk to the end of George with a pathway across George, at their cost. The Borough would only be responsible for sidewalk & the new ADA ramp on the west side of George Street, when the street is repaved, possibly in 2024. Of note, the current sidewalk depressions do not meet ADA requirements. Council is agreeable to this idea & Jason will pass along the information to the developer.

- **2024-2026 CDBG Grant Applications**—grant applications are due end of January 2024; however, these grants are low-to-moderate income, and no portion of Stewartstown Borough qualifies. We would need 50% low-to-moderate income to qualify. Three applications are available that we could apply for, typically \$100,000 each. Jason recommends applying for East Pennsylvania Ave; however, curb, sidewalk & ADA ramps there are estimated around \$250,000. Jason is waiting for YCPC’s answer on whether an application can be submitted for more than \$100,000. In the past, East PA Avenue residents were not willing to complete income surveys and at least 50% at low-to-moderate income level is necessary to qualify. Jason will bring a sample of the survey next month. Pending YCPC’s answer on the grant app amount, we’ll determine if the survey needs to be done.

Typically, Jason said the municipality pays for engineering for these grant submissions, so the \$100,000 can go toward construction costs, but this grant allows 15% of engineering to be done within the grant amount, so then the Borough would get \$85,000 for construction.

5. **Solicitor’s Report**—Craig Sharnetzka reported:

- **Ilyes, 13 Mill Street Text Amendment**—last month, Council agreed to a Developer’s Agreement, which was signed by both parties. The text amendment has been sent to York County Planning Commission for comments, after which it will go to Stewartstown Borough’s Planning Commission for their review. Jordan is having ongoing discussions with the Railroad, as an adjoining property owner. We will wait for more information & details.
- **Comcast Cable Franchise Agreement**—Craig has reviewed the agreement & compared it to the current agreement with Armstrong Cable. Eric Wilden from Comcast was present tonight & is willing to address Craig’s concerns/questions regarding the agreement. Craig will

contact Eric to discuss & report back to Council. Comcast hopes to be another cable/internet option for Stewartstown residents in addition to Armstrong.

- **2024 Budget**—this needs to be adopted at the December Council meeting and will be advertised for public review, as required.
 - **General Tax/Real Estate Tax**—if Council plans to raise taxes, it must be done by Ordinance. If not, a Resolution can be adopted. Council agreed a tax increase is not necessary for 2024.
 - **Independent Auditor**—a Resolution naming Hamilton & Musser as the Borough Auditors will be adopted at the December Council meeting.
 - **Organizational Meeting**—Borough Council will hold their reorganization meeting on January 2nd, 2024. (this is a Tuesday because of the holiday).
 - **Appeal by Upside Investments, LLC Zoning Hearing decision**—this will be discussed in Executive Session. The ZHB denied the decision for the use as apartments. The decision has been appealed to the Court of Common Pleas, but right now there's no schedule for that to be heard. The Borough received a letter from the developer's attorney, asking if the Borough would be willing to negotiate with them, pending the outcome of the appeal.
 - **Personnel issue**—will be discussed in Executive Session, as a follow-up to last month.
 - **Disruptive Conduct Ordinance**—Council has reviewed/discussed this the past couple months. Glen Rock has adopted the Ordinance that the Council has reviewed as a sample. All Council members aren't agreeable to adopting the Ordinance, and don't want to make it onerous for good landlords by requiring a renter's license; however, landlords who don't have problem tenants wouldn't be affected by it or its ramifications. The Ordinance would protect the Borough's resources from repeated Police calls to the same addresses/same tenants. It would also be incentive for landlords to take care of their problem tenants, if they're a continual nuisance to neighbors. Police would complete the necessary forms when complaints are filed & calls to the same address are made. Last month, Chief Boddington stated SRPD responds to some Borough apartment buildings 2-4 times in one week. If the Borough would adopt the Ordinance and repeated calls/same address are made, there could potentially be a fine to the property owner (or loss of a renter's license, in Glen Rock's case). After more discussion, Borough Council asked Craig to draft an Ordinance for Stewartstown Borough for the December meeting. Stewartstown's Ordinance would include only the disruptive conduct portion, not the rental inspection or licensing requirement.
6. **President/Vice-President's Report**—Ms. Almony/Mr. Burkins—
- Mrs. Carl reviewed time clock options for both the Borough Office & Wastewater Treatment Plant. She recommended 1 of the following 3 different types:
 - When I Work--\$5/user per month
 - Homebase--\$24.99/month
 - Clockify--\$7.99/user per monthShe explained some features of each one and will forward the links to Stacy Myers & Council for their review.
 - Horse & Buggy signs—with several Amish in the area, a sign at each end of town may be a good idea. Ms. Almony asked that a price be obtained for the December meeting.
7. **Treasurer's Report**—Stacy Myers reported:
- Approval to pay D. Marsteller Asphalt an additional \$1,000 for the Mill Street paving job, due to the paving depth being different than the original price and more material being necessary. Mr. Burkins made a motion to approve the \$1,000 payment to Marsteller; Mr. Gemmill seconded. All were in favor; motion carried.
 - Dawn Gillispie's resignation from the Planning Commission has been submitted. Ms. Almony made a motion to accept her resignation. Mr. Elwell seconded. All were in favor; motion carried.

- Justin Bernd (2 Baneberry Street) sent an email of interest to serve on the Planning Commission. Mr. Burkins made a motion to appoint Justin to the Planning Commission. Mrs. Bloom seconded. All were in favor; motion carried. Justin was present tonight & introduced himself. The Council thanked him for volunteering to serve.
 - Mr. Elwell stated Kenton Kurtz plans to resign from the Sewer & Water Authority at the end of this year, so a replacement to fulfill the rest of his term will be needed.
 - York County Boroughs Association Annual Dinner/Award Banquet will be held Saturday, November 18th at Great American Saloon. If any Council member is interested in attending, please RSVP to Stacy or Missy by Thursday, Nov. 9th.
 - A list of current bank account balances is included in Council's packets.
8. **Sewer & Water Supervisor Report**—Ira Walker, Jr. submitted his monthly report to Council. If anyone has questions regarding that, please contact him.
 9. **Mayor's/Police Report**—Mayor Barnette reported:
 - The Southern Regional Police Commission is finalizing their 2024 budget, which should be done in December.
 - Of note, there was a Police car in each municipality during Trick or Treating. No incidents were reported.
 - Finalizing Collective Bargaining Agreement—to be discussed in Executive Session.
 10. **Executive Session**—Mrs. Bloom made a motion to recess @ 8:02p.m. Ms. Kreiss seconded. Atty. Sharnetzka stated the Executive Session is for a personnel matter, pending appeal from Upside Investments and discussion on the Collective Bargaining Agreement. All were in favor; motion carried.
 11. **Reconvene**—Mr. Burkins made a motion to reconvene the Council meeting @ 9:05p.m. Mrs. Carl seconded. All were in favor; motion carried. No decisions were made in Executive Session. The following was the outcome:
 - Personnel issue—no decisions were made; more discussion may take place.
 - Pending appeal/Upside Investments, LLC—Borough Council will not overstep their authority to disregard the Planning Commission or the Zoning Hearing Board's decision. Mr. Elwell made a motion to direct the Solicitor that Borough Council does not want to intervene or negotiate, and further direct the Zoning Hearing Board Solicitor to prosecute the appeal. Mr. Burkins seconded. All were in favor; motion carried.
 12. **Adjournment**—With no further business before the Council, Mr. Burkins made a motion to adjourn the meeting @ 9:07pm. Mrs. Bloom seconded. Motion carried, meeting adjourned.

Respectfully submitted by:

Stacy Myers, Recording Secretary