

Felton Borough, York County ~ Council Meeting
Monday, April 3, 2023

Meeting Day and Time: Monday, April 3, 2023 6:30 pm at the Felton Borough Office located at 88 Main Street, Felton, PA.

Council Members Present: Gary Martin, Zac Klock, John Trout, Patrick Schmidt, Mayor Bryan McManus and Secretary Joy Flinchbaugh.

Council Member Absent: Mary Lader, Sherry Arnold, James Vergos

Others present: Amy Brenner, Keith Conley, John Adams, Christine Killinger, Eric Killinger, Caleb Killinger, Adam Anderson of Site Design Consultants and State Representative Wendy Fink.

Gary opened the meeting at 6:30 pm with the Pledge of Allegiance to the Flag.

Approval of Minutes: A motion to approve the February 6th and 13th meeting minutes was made by James and 2nd by Sherry. The motion passed without opposition.

Approval of Treasurers Report: A motion to approve the treasurer's report with the following additions GF: Wayne Smith \$150 and State Fund Met-Ed \$582.24 was made by Patrick and 2nd by John. The motion passed without opposition.

Called to be on the Agenda: **Caleb D. Killinger** called to be on the agenda. Caleb is a 12 year old resident of the Felton area and has been thinking about our town and thought it needs to have its own flag. He came up with a 3 x 5 flag that has 5 colors which all have their own meaning and gave everyone in attendance a picture of the flag and the following information: *The yellow in the flag represents the sun and our bright future. The red in the flag represents our farmers and workers. The green in the flag presents our nature. The blue in the flag represents our freedom and the black in the flag represents peace and quiet at night. The black backdrop in the flag represents the night sky. The yellow and red crossed together in the flag represents the future of our farms and industry. And the blue and green crossed together in the flag represents the bond between our freedom and the beauty of the town. Felton is truly a beautiful town and I'm glad that I live here.* The council liked the idea of the flag and would like to work with Caleb on the flag. The council encouraged him to copyright his design so it cannot be copied.

Public Comment: **Amy Brenner** was present for the discussion of her property under the SEO section.

Alliance Fire and Rescue – no one was present.

Solicitor – Jeff Rehmeyer of CGA Law Firm - Memo

- **Ordinance No. 2023-01, Updated Nuisance Ordinance** - The Ordinance was advertised and may be adopted at the April or May Borough Council meetings.
- **Refuse Ordinance** - We are in the process of updating the Borough's Refuse Ordinance.
- **Emergency Management Services** - We reviewed the Emergency Management Services Agreement for the Borough and provided guidance regarding the Borough's responsibility for said services.
- **46 Sechrist Flat Road Stormwater Facility Issues** - We are in the process researching and providing guidance.
- **Annual ARPA Reporting** - Some municipalities have already received the auto generated emails reminding them that their annual ARPA report is due by April 30, 2023. Despite this reminder email the reporting portal is not yet open and the email states the portal will open for submission around the beginning of April. Attorney Beth Kern of our office is providing assistance again this year in helping our municipal clients file the annual ARPA report. She is offering assistance via phone, zoom, or at an in person meeting.
- **Senate Bill 231, Amending Advertising Requirements** - The legislature is taking another run at changing the advertising requirements for municipalities. Senate Bill 231 would allow a municipality to meet advertising requirements by an ad in the local newspaper OR an ad placed on "the local government unit's publicly accessible Internet website using hypertext markup language (HTML) format or an equivalent language format." Any advertisement made by the municipality's website would also need to be "posted prominently" at the municipal office or building where the municipal body meets. Nothing in the bill changes any of the timing requirements for advertising. The municipality must also retain a copy of the

advertisement (a paper copy or a digital copy? This is not clarified) for three years. To begin using website advertisements, the municipality will need to adopt a resolution stating its intent to so act. Kristin Philips Hill is one of the sponsors of this bill, which is currently in the Local Government Committee. We are tracking this bill and will provide updates as soon as it becomes law.

- **Collection Report** - The council reviewed the collection report and there were no accounts that needed action on at this point.
- **Municipal Ball Game** - You are invited! Attached is your invitation to join the Municipal Law Group from the CGA Law Firm for a night of baseball and all you can eat and drink in the 1741 Club at WellSpan Park. I can provide a hard copy of the invitation upon request. If you can attend, please email to RSVP@cgalawfirm.com. If you have any questions please let me know. Hope to see you there!

Engineer – Byron Trout of Gordon Brown updates

- CDBG Grant - should have the Penn Dot permits this week
- Penn Dot Multimodal Grant Award – Water Street & Moore Lane – should have the agreement signed in the next couple of weeks.
- Covid 19 ARPA Grant – Red Lion Ave Stormwater: we should find out in July or September if we have been awarded the grant.
- 46 Sechrist Flat Road Retention pond issues – This stormwater retention pond has failed again and notice has been sent to Gemcraft.

Code Enforcement – Wayne Smith

- Updates – Wayne completed one rental inspection and didn't have a new picture of the property we have been monitoring. Joy asked that he swing by to take a look in the next few weeks.

SEO – Adam Anderson of Design Concepts

- **348 Main Street violation** – Adam informed the council that this property installed a driveway right next to the new septic system that was just put in and is within the 10' isolation distance which is a DEP violation. The council can waive the distance for this one circumstance. The council had previously granted a waiver for the new septic system to be placed where it was in relation to the well. Keith, the property owner's contractor said the driveway was put in for handicap access and he did not realize that it would need to be permitted because it gravel and not asphalt. He stated that there is no other access to that side of the house. They are willing to put up some kind of barrier on the driveway to keep anyone from driving farther onto the absorption area. Adam said that the borough could approve with the following 3 points: 1) this would be a onetime thing 2) there would be conditions such as if the septic fails, there needs to be a new documented area 3) alternative soil testing would need to be completed. After much discussion with the council, Amy and the contractors, a motion to not accept the driveway install the way it is in the absorption area currently was made by Zac Klock and 2nd by Patrick Schmidt. John Trout and Gary Martin both voted no to the motion which presented a tie vote. In the case of a tie, the mayor makes the deciding vote. Mayor Bryan McManus voted yes to not accepting the driveway install the way it is in the absorption area. This vote carried the motion. They will need to remove the driveway in the absorption area.

Old Business:

- **Municapay** – Everything is up and running and we have already started to receive credit card payments online and in the office.
- **Mowing bids** - American Pride Lawn care provided the required insurance and is excited to start providing the mowing services for the borough.
- **Desk** – is on order and will be here the end of the month.
- **Liquid Fuels** – Joy found out that Liquid Fuels money can be used for street sweeping and storm sewer improvements. John Adams mentioned that Off Seasons Landscaping in Red Lion provides street sweeping for other local municipalities.

New Business:

- **Nuisance Ordinance 2023-01 Adoption** – will hold for next month for the council to do one last review and for more of the council to be present.

- **Ambulance Report** – there were 3 calls in the borough in March. 2 were handled and 1 went to the next due ambulance.
 - A Municipal Agreement was received from the Red Lion Ambulance Company with a yearly increase of 3%. The 2023 fee is \$3546.00. Jeff confirmed that we are required to have this contract in place and pay the yearly fee. A motion to contract with the Red Lion Ambulance Company was made by Patrick and 2nd by Zac. The motion passed without opposition.
- **Dallastown Borough & Springfield Township Fire Police request** – A motion to approve the fire police request for multiple activities for Dallastown borough and Springfield Township was made by Patrick and 2nd by Zac. The motion passed without opposition.
- **The Keeny Family willing to paint the dugouts at the ball field if needed** – The council would love to have them do this work but asked for Joy to confirm with our insurance company that we don't need any type of waiver signed by them before performing the work.
- **Operation and Management Agreements for Lot 7 & 8** – The Operation and Maintenance agreement for stormwater management best management practices for Gemcrafts Lot 7 & 8 were presented to the council. A motion to approve them for President Gary to sign was made by Patrick and 2nd by John. The motion passed without opposition.
- **New Freedom & Eureka Fire Police Requests** - A motion to approve the fire police request for multiple activities New Freedom and Eureka was made by Zac and 2nd by Patrick. The motion passed without opposition.

Comments from Council

- **Zac** said that he checked into the new sewer rates from The York Water Company and Shrewsbury is being charged on usage. Spoke about his water situation and it was mentioned about the water on Charles Street that used to provide water to numerous homes in the borough in the past.

Secretary:

- **Statement of Financial Interests forms** are due to Joy by May 1st.
- **Dirt Bikes on Moore Lane** – received a call today that there is a problem with dirt bikes riding up Moore Lane.

Gary introduced Caleb to Wendy Fink who had joined the meeting and asked him to present his flag proposal to her as well.

Adjournment: A motion to adjourn the meeting at 8:13 pm was made by Patrick and 2nd by Zac. The motion passed without opposition.

Joy Flinchbaugh – Borough Secretary