

Felton Borough, York County ~ Council Meeting
Monday, August 1, 2022

Meeting Day and Time: Monday, August 1, 2022 6:30 pm at the Felton Borough Office located at 88 Main Street, Felton, PA.

Council Members Present: Gary Martin, Mary Lader, James Vergos, Patrick Schmidt, John Trout, Zach Klock, Sherry Arnold, Mayor Bryan McManus and Secretary Joy Flinchbaugh

Council Member Absent:

Others present: Wayne Smith, Byron Trout of Gordon Brown & Associates, Keith Pennell of Pennell Services and Tyler Burkins of Alliance Fire and Rescue.

Gary Martin opened the meeting at 6:30 pm with the Pledge of Allegiance

Approval of Minutes: A motion to approve the July 11th minutes was made by John and 2nd by Sherry. The motion passed without opposition.

Approval of Treasurers Report: Before the treasurer's report was approved Byron explained to the council what the change order consisted of for Pennell Service in the amount of \$13,000. When Keith started to dig to get to the old stormwater pipe he found that that pipe was under the sidewalk and there was a concrete barrier that did not allow him to get to the old piping. He had to re-saw cut the road for a larger area which created a bigger area to pave. He had to install 45 degree bends and there needed to be additional work done to the inlet box. Patrick was concerned at the dollar amount and that it was only approved by Byron and not the whole council. He feels that going forward there needs to be a set \$ amount that he can approve but anything over that it needs to come to the council. A motion to approve the treasurers' report with the change order included was made by Sherry and 2nd by Mary. The motion passed without opposition. Joy pointed out the amount of money in the American Rescue Funds and what we will be getting in this second round.

Called to be on the Agenda: CJ Weigle Kaltreider Library called to be on the agenda but had to reschedule for Sept because he double booked by accident.

Public Comment: None

Engineer –

- **Green mesh at gazebo** – Byron, Joy, Zene of Farhart, Zach our mowing contractor and representatives from the York County Conservation District met onsite at the gazebo to discuss the situation. The YCCD is no longer involved in this. Zene doesn't feel that he should be responsible for this and doesn't feel that they did anything wrong. He said we should bring in a load of topsoil and plant grass seed over the areas that are still showing the mesh. He said that we waited 2 years to contact him about it. We know that isn't the case because we had to get Jeff involved to get any conversation started with him. We asked Zach to get us a price on doing that. We didn't get a price yet. Byron asked if the council is ok with doing the topsoil and seeing if that helps. The council was in agreement to have that done. There is also a hole there that needs taken care of. Zene also takes no responsibility for that hole although it is clear that they did work in that area also.
- **40 Red Lion Ave** stormwater going onto neighboring property – Byron spoke to the contractor today and the project is to be completed by the end of the week.
- **CDBG Grant update** – The application for the permit to install the new handicap ramps on Main Street were submitted to Penn Dot. The next step is to submit the specs to the county for review and then it can go out for bid.
- **MS4 waiver request** – The waiver application was submitted on July 26th because it has to be submitted by August 4th. DEP has received it because they have already contact Byron with a few questions. There should be no problem to get the waiver again. The borough needs to pay the \$500 application fee. A motion to pay the \$500 application fee was made by Mary and 2nd by Patrick. The motion passed without opposition.
 - Along with the MS4 waiver request we need to update our Stormwater Ordinance – Byron provided the draft ordinance to Jeff and he sent the red lined ordinance to the council. Our old ordinance was

99% correct. There are a few suggestions from DEP to put in the ordinance, one of which is suggestions on installed Riparian Buffers. Byron left the meeting at 7:24 pm.

Solicitor: Memo

- **Proposed Nuisance Ordinance** - CGA updated the draft Nuisance Ordinance based upon discussion at the July Borough Council meeting. After reviewing the ordinance the council decided to take a little more time to review on their own and discuss at next month's meeting.
- **Gazebo and Farhat** – was discussed earlier. CGA received an update regarding the meeting the Borough Secretary, Borough Engineer had with Farhat and the York County Conservation District. We will provide additional guidance and support as may be requested.
- **Stormwater Management Ordinance** – Was discussed with Byron. The Stormwater Management Ordinance updates are nearly complete. Byron directed most from a technical perspective. And CGA added some legal enhancements. We will offer the updated draft Ordinance to you for Council shortly. Upon review and authorization by Council, we can provide legal notice to allow adoption as soon as the September meeting.
- **New Fireworks Regulations** - Act 74 of 2022, House Bill No. 2157 New Fireworks Regulations. – On July 11, 2022, Governor Wolf signed House Bill No. 2157, which amends the existing fireworks laws and in effect increases restrictions on the sale and use of consumer fireworks in Pennsylvania. These new regulations restricting the use and sale of both display and consumer fireworks take effect 60 days from July 11th, on September 9, 2022.
Under this new legislation, consumer fireworks may not be used within 150 feet of a building or vehicle, regardless of whether the building or vehicle is owned by the individual using the fireworks. This is a departure from the existing fireworks regulations which only requires that consumer fireworks are not to be used within 150 feet of an occupied building or vehicle.
The amended regulations give the Borough greater discretion in governing, and in some cases restricting, the use and sale of consumer fireworks. The Borough will be able to require a permit for the use of consumer fireworks; prohibit the use of consumer fireworks—if use within the Borough cannot comply with the 150 foot requirement; and enact restrictions on firework use from 10 p.m. to 10 a.m., subject to certain holiday exceptions.
- Collection Report – the council reviewed the report.

Code Enforcement –

- **Insurance** – Wayne said he did get another quote and he got the insurance. He will provide the borough with a Certificate of Insurance soon. He was present at tonight's meeting since it was the first meeting since he was appointed. After this, he will come as needed.
- **Memo** – Wayne reviewed the memo with the council and said no notices have gone out yet because he is still learning the borough and had some of the addresses wrong. He wanted to know how many notices he should send out before he files a citation. The council said 2 notices then let the council know the situation before proceeding.
- Agreement with Wayne Smith has been signed.
- International Property Maintenance Code Information – Wayne suggested the council take a look at adopting this. It is something that the borough can use as needed to address problem properties that need taken care of.
- 39 Main Street – The council agreed that Wayne should take a look at this property and proceed with a letter.

SEO

- **Meeting with Adam** – Patrick, John and Joy met with Adam to review all the current SEO needs. Joy mentioned that Adam has already begun reaching out to some of the residents with septic issues because she has received a call from one of the properties.
 - **Water testing on High Street** – after explaining the situation on High Street and the reason for the water testing, Adam thought there is a different way to go about addressing the situation. A water test is going to show high levels of coliform because of all the cattle in the area. If we were to do the test, it would be for soap in the water that would show if a septic is discharging into the creek.

Old Business:

- **Pothole repairs** – the work will be scheduled for the fall due to their current work load.
- **DCNR Playground** –
 - Final site visit with Regional Director will take place tomorrow. After that Joy can apply for the remaining \$35,000 of grant funds.
- **Penn Dot Multimodal Grant Award – Water Street & Moore Lane**
 - Started registration and we need to do an agreement with Penn Dot to be able to access Penn Dot's website. A motion to approve the Agreement & Resolution No. 2022-05 was made by Mary and 2nd by Patrick. The motion passed without opposition.
- **Pennell Service Misc work for the borough** – Keith was present and provided the council a list of work that he has done for Windsor Borough and would be willing to do for the borough also. He would be a subcontractor for the borough and would work for the following rates: \$100 hr, \$165 hr if using his equipment, \$65 hr for a Helper/driver/equipment operator, anyone running his equipment would be \$65 hr. All material and fuel used on job will be billed to the borough or can be purchased by the borough. A motion to have Keith of Pennell Services work as a Subcontractor for the borough to do misc work was made by Mary and 2nd by Sherry. The motion passed without opposition.
 - **South Penn Termination** – A letter was sent to South Penn via email and confirmed by Keith stating that as of August 1st their services were going to be terminated. A motion to terminate South Penn Codes Enforcement services with Felton Borough was made by Sherry and 2nd by Patrick. The motion passed without opposition.
 - **Water damage update** – we received a check for \$5630.26 from our insurance company for the damage.
 - **Flooring purchased** – The flooring was purchase for \$1953.18 at East Coast Floor Store.
 - **Stuber estimate to repair and lay flooring** – Stuber's estimate is \$3542.00. The council discussed the estimate and decided that they want the old flooring removed also. A motion to approve the \$3542 estimate and approve up to an additional \$2500 to remove the old flooring was made by James and 2nd by Patrick. The motion passed without opposition.

Alliance Fire and Rescue – Tyler Burkins

- No July report yet being that it is only the 1st of the month.
- National Night Out is tomorrow night and they will be at multiple locations
- There has been more vehicle fires and calls in general
- Fireside – they have 3 weddings this weekend and to save on costs, they are handling the tear down and set up instead of having an outside vendor do it. Tyler left the meeting at 8:19 pm.

New Business:

- **Ambulance Report** – nothing yet
- **Electronic Recycling** October 1st with Chanceford Twp – Chanceford is allowing Felton Borough residents to participate with their recycling day on October 1st at no cost to the borough. The council asked if they need to show proof of residency, Joy will find out for the next meeting. Joy will advertise on Facebook and try to have the borough's newsletters out early to give notice of it.
- **Change in Building Code Official** – Since South Penn Codes has been terminated we need to change our BCO back to Pete at Commonwealth Code Inspection Service. A motion to change our BCO from Kevin at South Penn Codes to Pete at CCIS was made by James and 2nd by Zac. The motion passed without opposition.
- **Klugh Animal Control** – Joy went over the letter stating the rate increases that took place as of July 1st due to the increase costs.
- **Clean out stormdrains** – It has been quite a few years since the borough has had the inlets cleaned out. She will get a list together and give to Keith to give a price on cleaning them all out this fall.
- **Thank you from the library** was received for our annual donation that was given.

Comments from Council

- **John** was concerned that Keith was going to do everything that was on the list he provided. The list provided was to give an idea of all the things Keith Pennell would be willing to do for the borough. John would

also like to see Bobby, our part time parks / rec person being able to do some of these things and get more than \$7.25 per hour. There seems to be some confusion as to the amount he is being paid. Joy said that he only turned in 51 hours for the whole season last year.

- **James** asked if we still get trash collection on Thursday's because it seems as though no one on Sechrist Flat road has been getting their trash collected on Thursdays. Joy mentioned that the whole borough was missed on July 28th. A motion to fine Penn Waste \$500 for a mass violation for not collecting the garbage on Thursday, July 28th was made by James and 2nd by Zac. The motion passed without opposition.
- **Zac** mentioned that he continues to have issues of getting in and out of his driveway because of the way people are parking along High Street. Sherry mentioned that it is almost impossible to get fire equipment through there because it is so tight and a fire truck could not set up there.
- **Bryan** feels that we need to check with Jeff about having a clause in our agreements with Byron when it comes to change orders that he has authority to approve up to a certain % but anything over would need to be approved by the council.

Secretary:

- Office closed Monday & Tuesday
- Vacation – September 12 – 16th

Adjournment: A motion to adjourn at 9:02 PM was made by Gary and 2nd by John. The motion passed without opposition.

Joy Flinchbaugh – Borough Secretary