

**Felton Borough, York County ~ Council Meeting**  
**Monday, February 7, 2022**

**Meeting Day and Time:** Monday, February 7, 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, John Trout, Patrick Schmidt, Sherry Arnold, Zac Klock, Mayor Bryan McManus and Secretary Joy Flinchbaugh

**Others present:** Sherry Urey, Andrew Gaiennnie, Todd Klunk 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 January 10<sup>h</sup> minutes was made by James and 2<sup>nd</sup> by Patrick. The motion passed without opposition.

**Approval of Treasurers Report:** A motion to approve the treasurer's report with the following additions: GF: South Penn Codes \$1485.00; YCMAA dues \$25; Gordon Brown & Assoc for Gemcraft Homes \$262.74, Playground \$545.07 & General \$289; Met-Ed for Office \$48.04 & Gazebo \$16.34; State Fund: Met-Ed \$16.74 was made by John and 2<sup>nd</sup> by Sherry. The motion passed without opposition.

**Vacant Auditor:** Sherry Urey was present for the council meeting because of her interest in the open auditor position. A motion to appoint Sherry Urey to the vacant position was made by Mary and 2<sup>nd</sup> by Sherry Arnold. The motion passed without opposition. Mayor McManus proceeded to swear in Sherry Urey as auditor for Felton Borough. Sherry left the meeting at 6:33 pm.

**Called to be on the Agenda:** **Andrew Gaiennnie** called to be on the agenda to introduce himself to the council. He has recently moved into the area and lives on Gables View Lane. Though he is a Chanceford Township resident he feels his community is Felton and would like to offer his services. He is a geometrics engineer, data scientists and licensed drone operator. He would like to take some updated photos of the borough. The council told him to get with Joy on getting the updated photos of the borough. Andrew left the meeting at 6:30 pm. **Todd Klunk** was present at the meeting to find out if there is any more information on the water testing samples that he showed the borough last month. Byron is working with Keith, the borough's SEO to get water samples done at 3-4 locations along the tributary that runs behind the homes on High Street. Keith is waiting on sterilized bottles to arrive and also permission from the landowners to access their property to the creek to collect the samples. Byron was asked to go along with Keith when he takes the water samples. Gary Martin would also like to be made aware of when so he can attend too. Todd also asked the council about any ordinances in regards to discharging fire arms within the borough. There was discussion on the issue and the state laws that are already in place. Todd left the meeting at 6:47 pm.

**Solicitor:**

The following are the items that Jeff's office has been working on:

- **230 East Main Street.** I sent correspondence providing a timeline for the property to be cleaned up to Tyler Burkins on January 11, 2022. I sent follow-up correspondence on February 1, 2022 as well. Tyler asked for a call and we spoke on Friday. He said that he had cleaned up some and was trying to do more. He sent me pictures yesterday. I will share them with Jeremy and you next. If he has not made enough progress, my colleague, Attorney Liliana Fisher, is ready to proceed with an enforcement action. Liliana used to be an assistant district attorney before joining CGA to become a litigator. The council also referred to Jeremy's report that stated the following: *230 E Main St – performed follow up visit regarding cleanup of junk (Feb. 7<sup>th</sup> – site is much improved; outstanding items detailed and sent with pictures to Borough: remaining items should be fit into shed which is under construction)* Tyler said Jeremy was out today and walked the property with him. Joy read from Jeremy's email that stated the following: *There are a few odds and ends that can be cleaned up yet, but for the purpose of this violation, I think we can give him space on the remainder as he is in the process of building a shed. The remaining items I pointed out to Mr. Burkins he said were going to be placed in the shed as soon as it is done.* Joy said that he did ask for a permit application for the shed tonight at the meeting. The council spoke to Tyler about getting this done and cleaned up.
- **Kenel Issue, 29-31 High Street.** I analyzed the Borough's Zoning Ordinance and provided guidance to the Borough Secretary regarding the number of animals allowed on a property and the process to exceed the number allowed. I will provide some assistance as the Borough Solicitor to move this matter forward. Although much of it will be handled by the Zoning Hearing Board and its solicitor. Joy pointed out that they

currently have 10 dogs on the property and it seems that they are breeding them. There have been numerous written complaints turned into the office. They said they were going to put in for a Zoning Hearing for a variance for their property but as of today they have not done so. Jeff has provided guidance on proceeding with enforcement of the borough's ordinances that they are in violation of and the notices will be going out tomorrow. They will have 30 days to comply.

- **Nuisance Ordinance.** We are in the process of drafting an updated Nuisance Ordinance and will provide to you upon completion for your review and adoption.

#### Engineer –

- Church Avenue storm drain replacement – they have completed all the work except for the paving and the seeding that needs to be done when the weather is a little better. The project went very well.
- Storm drainage in the borough – Byron would suggest that the borough look at replacing the piping from the corner of Main Street and Church Avenue to where they just replaced to complete that section. The council agreed and asked Byron to get some pricing together for next month. The borough is using the American Rescue Funds to do this work. The borough will receive the other half of the funding this summer. Byron left the meeting at 7:14 pm.

#### Code Enforcement

- Updates from Jeremy
  - 120 Main St – BCO sent violation notice for use of pool without required UCC permit or inspections
  - 29 High St – violation notice sent for construction of fence without permit
  - 39 Main St – violation notice sent for junk
- 29/31 High Street – dog complaints

#### Old Business:

- Pothole repairs
- Water testing on High Street – was discussed earlier
- Red Lion Ave
  - Stormwater Televising Update – hasn't taken place yet. Contractor has been down and looked at the project but wanted to do some cleaning out at the entrances so he can get his camera in. Should take place soon.
- DCNR Playground – working on turning in the bills for the 2<sup>nd</sup> reimbursement from the grant.
- Penn Waste penalty for missed collection – the council reviewed the letter from Joel in regards to waiving the penalty. A motion to not impose the penalty for the missed collection the first week of January was made by Mary and 2<sup>nd</sup> by John. The motion passed but was opposed by James. James feels that we have a contract and they need to provide the service and if they are unable to then they need to figure out a way to do it. The council wants Joy to make sure Joel knows that this missed collection has been noted and this will be the only time the penalty will be waived. The borough has gotten a lot of grief over the large increase with the new contract and they expect to receive the service they pay for.
- Notary update on cost – Joy wanted to let the council know that when she signed up for the classes and the needed items the cost came out to \$500 due to an additional class that she would like to take. A motion to allow Joy to proceed with the notary classes was made by Patrick and 2<sup>nd</sup> by James. The passed without opposition.

#### New Business:

- **Ambulance Report** – there were 3 calls in the borough in January.
- **Phillip Sherfey Zoning Hearing Board resignation letter** – Phillip has moved outside of the borough and has resigned from his position on the Zoning Hearing Board. A motion to accept his resignation was made by Mary and 2<sup>nd</sup> by James. The motion passed without opposition. The borough needs to find someone to take that open seat. As of now there are only 2 on the Zoning Hearing Board, which they could hear a case.
- **Zoning** – caterer renting the fire hall for 6 months. Dick Sterner of Alliance Fire and Rescue contacted the office about a caterer renting their Union Station Hall for 6 months to prepare his catered meals. It is an allowable use as per the Zoning Ordinance and letter was provided to the fire company.
- **Zoning Hearing Fee** – The current fee for a zoning hearing is \$400 and this was put in place a long time ago. A motion to make the Zoning Hearing Fee \$500 was made by Patrick and 2<sup>nd</sup> by Mary. The motion passed without opposition.

#### Alliance Fire and Rescue – Tyler Burkins

- There were a total of 130 calls in January. 3 of them were assisting the ambulance in the borough.

- The ladder truck is going to be sold
- The fire company is advertising for Fire Specialist which will be a paid driver/fire fighter/ ems. They are looking to hire 4 part-time people for this position. Windsor Twp and Red Lion borough have both given \$20,000 each towards the payment of this position.
- They have a caterer that will be renting the Union Station hall for 6 months. They can make more money renting it to the caterer than they can renting it out individually
- Finishing up working with the relief auditor to get the two relief associations merged into one. They are going to be taking out a 5 year loan for new turn out gear because the gear is only good for 10 years.
- They are doing bathroom upgrades at Fireside
- The fundraising committee is planning upcoming bingos such as Meat and Seafood and other bingos.

### **Comments from Council**

- **John** said there will be another kid's only fishing event this year. They are looking to block it off for a week this year instead of just a weekend. There is no date scheduled yet. It will be for 16 and under.
- **Patrick** asked if there is going to be any more Felton Days. Tyler and Sherry both stated that the fire company is not looking to organize the event anymore. Joy said that SonLight church may be looking to start up Felton Day again. Patrick would be willing to help out whoever would plan the event. Patrick summarized his conversation with Todd Gipe, who stated that the permitting process may not be as complicated as he had originally anticipated. The good news was that the original permits were found and appeared to be filed and completed properly. DEP considered the test results provided by Todd Klunk un-useable, due to the lack of use of testing controls.
- **Mary** wanted to let the council know that she has been looking into why we can't have someone on council removed when they continually do not attend council meetings and also why council gets paid when they don't attend meetings. She will be bringing this up to Jeff at next month's meeting.
- **Zac** asked if the curb across from his house could be painted for no parking so he can get his vehicles in and out of his driveway. Gary Martin said this is something we cannot do. A traffic study has to be done in order to put any new no parking paintings on curbs.
- **Sherry** asked what took place at 2 Main Street. It looked like they drained something into the storm piping. Joy mentioned they filled in the pool and apparently drained the pool water into the storm drains. They had called to see if they needed a permit to fill in the pool which they didn't need.
- **Bryan** said that he has been asked about renting the pavilion at the playground. The council is not looking to charge a fee but agrees that there should be some type of agreement for use in place. Joy will ask Jeff to provide the borough with something for next month's meeting. It was also brought up about picnic tables. We did not figure picnic tables into the cost of the playground. The council would like Joy to get some costs together for next meeting. There may be donations given for the picnic tables.
- **Mary** asked about a memorial at the park for Gary. Joy will look for something for that as well.
- **Bryan** brought back up Tyler's issue to council to make sure that Tyler understands a timeframe for compliance. He was asked if he can get the shed done by the next meeting and he said he could. The council said to get the shed done and everything in it by the March 7<sup>th</sup> meeting in order to be compliant.

### **Secretary:**

- Audit will begin soon.

**Adjournment:** A motion to adjourn at 8:09 PM was made by James and 2<sup>nd</sup> by Mary. The motion passed without opposition.

*Joy Flinchbaugh – Borough Secretary*