

Felton Borough, York County ~ Council Meeting
Monday, March 7, 2022

Meeting Day and Time: Monday, March 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, Patrick Schmidt, Sherry Arnold, Zac Klock, Mayor Bryan McManus and Secretary Joy Flinchbaugh

Council Member Absent: John Trout

Others present: Byron Trout of Gordon Brown & Associates, Jeff Rehmeyer of CGA Law Firm and Tyler Burkins of Alliance Fire and Rescue.

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

Mary mentioned that she would like to collect donations from the council to donate a picnic table in honor of Charlotte Trout, John's wife who passed away. Byron mentioned that his family would contribute to the table as well.

Approval of Minutes: Patrick asked for the following correction be made to the February 7th meeting minutes: Under his council comment - *"The fines will not be as much as originally thought because they did have a stream crossing permit from the original permits issued."* to *"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."* A motion to approve the amended February 7th minutes was made by Mary and 2nd by James. The motion passed without opposition.

Approval of Treasurers Report: A motion to approve the treasurer's report with the following additions: GF: Pennell Services \$1060 for the remainder of park site work, \$500 for spreading of mulch and clean up was made by James and 2nd by Mary. The motion passed without opposition. Joy mentioned that Keith of Pennell Services had given the quote of \$500 to spread the remaining mulch and clean up but then he was down to finish up his site work of the playground and had his equipment here so he completed the work in hopes that the council would feel that his quote was a good price.

Called to be on the Agenda: No one called to be on the agenda.

Solicitor: Jeff was present at the meeting and directed the council to review his report on the following items.

- **Pavilion Use Application and Rules.** Prepared and provided a Use Application and Rules for the Open Air Pavilion to the Borough Secretary. The Use Application requests information and imposes liability on the applicant with regard to the use. The Rules are intended to protect the facility, others enjoying it, and the neighbors.
- **230 East Main Street.** I sent an e-mail to Mr. Burkins providing him in writing the steps that must be taken by March 7 which include having the sheds built and the items in storage. He has contacted me several times regarding this matter. Most recently, he reported that due to a storm, certain shed material was destroyed. While I was sympathetic, I noted had the shed material been stored safely and inside a structure, it would have in fact been protected. I reiterated to him that he had until March 7 to clean up the Property.
 - While Jeff was present the council reviewed Jeremy's email that stated the following: *"I stopped by Tyler's property this afternoon and observed that the site has been further cleaned. There are still some items here and there (plus general lot cleanup) that could still be cleaned up, but it is improved. The first (and only at this point) shed is not complete – it has walls and a floor so far – and as far as I'm aware, no permit has been obtained."*
 - The council asked Tyler for his update. He said that he bought a shed kit and had it partially built but lost it in a wind storm. He is now in the process of building his own shed but has to wait a little while to be able to complete it.
 - After much discussion on the issue, James made a motion to allow Tyler until May council meeting to have the shed done and everything cleaned up. The motion did not go anywhere. Jeff suggested the council give Tyler until April 4th council meeting and have Jeremy instructed to give a Pass or Fail for

compliance with the ordinance. A motion to extend Tyler's time to April 4th to get the shed built and all the items contained in the shed was made by Mary and 2nd by James and Zac agreed to the motion. Gary and Patrick objected the motion and Sherry abstained from voting. The motion carried with a 3 to 2 vote. Jeremy will be notified that he is to give a Pass or Fail and any remaining items not in compliance with the ordinance need to be on a detailed list. This is what Jeff's office will use to file the citation with the District Magistrate's office.

- **29-31 High Street.** I have assisted with this matter by providing language for 2 enforcement letters to the Zoning Officer and by providing guidance on the next steps. The understanding is that the Owners are looking for another property upon which they can conduct their use. The Zoning Officer is trying to provide a little time for that to occur. Patrick mentioned that he has been approached by neighbors wanting to know when the problem is going to be resolved. Joy informed the council that they had been in the office and they will not be seeking a variance. They said they are looking for another property and she reminded them that they are still under a 30 day deadline. She asked that they keep the borough updated on their process. Laruen emailed the office on February 21st but we have received nothing further. Their 30 day notice was sent on February 8th. Jeff will be assisting Joy with the next later.
- **Charles Street Improvement Project/Farhat Excavating/Netting Issue.** We have had communications with Farhat Excavating and the Borough Engineer regarding removal of the blue mesh and provided photos to the contractor. The contractor is proposing an on-site meeting and is willing to remove, re-staple, or trim the mesh that is getting stuck in the mower. We have been advised by the Contractor that the mesh is biodegradable and that its removal will require approval from the York County Conservation District. Emily from York County Conservation District has advised the Borough that the mesh netting could be removed. Please advise if there is any action you would like us to pursue at this juncture.
- **Nuisance Ordinance.** The draft ordinance is almost ready for your review.
- **Backyard University – Unpaid Park Use Fees for Sentz Memorial Field.**
We sent a collection letter by priority mail on February 18, 2022. They owe \$650.00 for unpaid park use fees from June through October 2021. They also owe \$75.00 for the attorney fee. They have until March 21, 2022 to pay.
- **American Rescue Plan Act.** Provided guidance regarding use of funds for storm drainage repair project as an allowable use.
 - **Standard Allowance Election for American Rescue Plan Act State and Local Fiscal Recovery Funds.**
The Final Rule for American Rescue Plan Act, State and Local Fiscal Recovery Funds (ARPA Funds) allows all recipients to elect the method in which they will determine revenue loss for the provision of government services use. Such election needs to be made on the first project and expenditure report. As a reminder the first report is currently due on or before April 30, 2022. The Borough can begin preparing to submit the first annual project and expenditure report. In order to prepare the following steps can be taken:
 - official action on the decision of electing the standard allowance of up to ten million dollars in revenue loss to allow all ARPA funds to be used for the provision of government services, if desired;
 - decisions about who at the municipality will be designated as the three report management roles and then entering those designations into the Treasury reporting portal;
 - login to the Treasury portal website and verifying the auto-populated recipient profile data; and
 - locate and upload the three required agreements/ supporting documents (copy of the signed award terms and conditions agreement; copy of the signed assurances of compliance with Title VI of the Civil Rights Act of 1964; and copy of the actual budget documents validating the top-line budget total provided to the State or U.S. territory as part of the request for funding).

We are recommending that the Borough elect the lost revenue standard allowance of ten million dollars to allow the Borough to use all or part of the ARPA Funds for the provision of government services use. To assist with this recommendation we have prepared the attached resolution for the Borough to discuss and take action on at the April Council meeting.

- **Water Testing Issues** – while Jeff was still present Patrick brought up the water testing that the borough requested Keith Hunnings to do last month with the assistance of Byron and Gary and Patrick did not take place correctly. Today, Patrick found that Jeremy had accessed his property and took one sample from the creek. There has been no more updates from DEP on what took place at 143 High Street. They said they are waiting on what the Fish and Game commission are going to do. Patrick made a motion to consider replacing South Penn

Code Consultants as the borough's SEO and Codes Enforcement and it was 2nd by Sherry. The motion passed without opposition. Joy was asked to have Jeremy attend next month's meeting. Byron can give some recommendations on other SEO's for the borough. At this point, Jeff left the meeting.

Engineer –

- Storm drainage in the borough – Byron was unable to get bids from contractors on replacing the storm drain from the corner of Main Street and Church Ave to the new pipe that was just installed at the park because they are all so busy right now. From his conversations with the contractors Byron came up with an estimated cost of \$22,750 to replace 275' of 18" plastic pipe. He said he can get quotes for next month's meeting when the contractors have more time to do this type of project.
- Televising on Red Lion Ave – contractor is saying that it should be done on Saturday, March 19th.
- CDBG – Byron submitted a quote for the engineering services for the project. Joy informed the council that his was the only proposal received and we needed to have 2 as per Joiann. Joy did send out a 2nd request for proposals after the initial due date and didn't receive a bid just another response that they are too busy to bid. Joy is waiting on confirmation from Joiann that the borough can proceed with Gordon Brown's quote of \$4,968.00 because they were they only bidder after two attempts. A motion to proceed with Gordon Brown's proposal of \$4,968.00 of Joiann Galianno of YCPC confirms the borough can accept the bid was made by Patrick and 2nd by James. The motion passed without opposition.

Code Enforcement - Updates from Jeremy

Sewage Enforcement

Inspections - 121 High St – evaluate existing system for any observable, regulatory malfunction prior to issuing permit to connect for new build

Permits - 46 Sechrist Flat Rd (FL-50.R0) – new system

Rental Inspections - 134 Main St (PASS) – items cleared that were discussed; property since has become cluttered across street and may require a notice regarding junk clean up

Zoning / BCO - Complaints / Violations

- 230 E Main St – performed follow up visit regarding cleanup of junk (March 7th – site visit: some of prior items mentioned were cleaned up/removed from property, but some items still remain. Shed is not complete, no permit has been obtained) (Feb. 7th – site is much improved; outstanding items detailed and sent with pictures to Borough: remaining items should be fit into shed which is under construction) (Dec. 23rd – emailed status along with pictures to resident, borough, and council) (Dec. 13th – nearly all scrap removed; residual still noted)
- 120 Main St – BCO sent violation notice for use of pool without required UCC permit or inspections (pending)
- 39 Main St – violation notice sent for junk (pending)
- 29 High St – violation notice sent for construction of fence without permit (resolved)
- 297 Main St – violation notice sent for failure to pick up and pay for change of use certificate (resolved)
- 29/31 High Street – dog complaints – was discussed under Jeff's information.

Old Business:

- Pothole repairs – Byron was asked to get some quotes for pot hole repairs. He said it is hard to get contractors to give quotes on just doing pot hole repairs because they want the bigger projects of doing the whole roads.
- Water testing on High Street – was discussed earlier
- Red Lion Ave Stormwater Televising - was discussed earlier
- DCNR Playground – Picnic Table choices – A motion was made by Patrick and 2nd by James to purchase 1 Table #71 60HGPL for \$1370 and also 1 handicap one as well. The motion passed without opposition.
- Pool water in storm drains – a call was made to DEP but there has been no response. Joy was asked to contact them again.

Alliance Fire and Rescue – Tyler Burkins

- There were a total of 88 calls in February of which 3 were in the borough and were EMS assist.
- There has been a recent spike in fires in the last 2 weeks. There has been 3 structure fires.

- The interim ladder truck is waiting to get tested so it can be sold
- Fundraising committee is looking to schedule some Meat and Seafood Bingo's soon
- Caterer is now in place at the Felton Station and all the bingo equipment has been relocated to the Leo station
- Bathrooms and bar are being remodeled at Fireside by the members of the fire company to save on the costs
- They have bookings Fireside through 2025 and they are still doing the Covid waiver

New Business:

- Ambulance Report
- Borough News Subscriptions? Joy asked who wanted the borough news each month. Patrick would like to continue the subscription.
- CDBG Project - Engineering proposals – was discussed earlier.
- Mulch at playground – Pennell will spread and clean up for \$500 – was discussed earlier
- Handicap Unit Quotes for playground: Knaper's Stop & Go \$134 per month & Associated Products \$128.00. The council decided to stay with Knaper's since they are local and we have dealt with them for many years.
- York County Boroughs Association Meeting – March 24th – Gary and Patrick would like to attend.
- Invitation to Alliance Fire and Rescue Banquet – March 26th RSVP by March 15th
- Mowing Bids – there were two bids received and they are as follows: Harvey's Mowing for a total of \$4,550.00 and High Country Landscaping for \$24,800.00. A motion to award Harvey's Mowing the mowing bid for 2022 was made by Gary and 2nd by Sherry. The motion passed without opposition.

Comments from Council

- **James** mentioned that there is some type of alarm that keeps going off at 42 Sechrist Flat Road and asked Joy if she has a contact number for Gemcraft.

Secretary:

- 2020 Budget vs. Actual was provided to the council
- Newsletter information will be going out the end of the month if there is anything in particular the council would like to see published.
- Statement of Financial Interest Forms are needed again.

Adjournment: A motion to adjourn at 8:07 PM was made by Mary and 2nd by Sherry. The motion passed without opposition.

Joy Flinchbaugh – Borough Secretary