

Felton Borough, York County ~ Council Meeting
Monday, May 9, 2022

Meeting Day and Time: Monday, May 9, 2022 6:30 pm at the Felton Borough Office located at 88 Main Street, Felton, PA.

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

Council Member Absent: Mary Lader

Others present: Steven Goss of 47 Main Street, Byron Trout of Gordon Brown & Associates, Adam Anderson of Site Design Concepts, Brandt Fink 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 April 4th 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: State Fund: Windsor Twp Salt/Anti Skid \$824.90 was presented to the council. Joy pointed out that she contacted South Penn Codes in regards to the bill for the water testing that was done on High Street incorrectly and without borough contact. A motion to withhold payment for the water testing on South Penn Consultants bill was made by Sherry and 2nd by Patrick. The motion passed without opposition. A motion to approve the treasurer's report was made by Patrick and 2nd by Sherry. The motion passed without opposition.

Public Comment: **Steven Goss** was present to discuss his situation of being billed for 2 garbage bills since 2013.

He said that it is only his family that lives in the home and in the garage space on his property. He mentioned that since York Water has taken over he is now only paying 1 sewer fee also. After much discussion on the issue a motion was made by Patrick and 2nd by Sherry to stop billing 47 Main Street for 2 garbage fees. Gary Martin and John Trout both opposed. 4 council members were in agreement so the motion carried. Steven then left the meeting.

Called to be on the Agenda: **Adam Anderson** of Site Design Concepts & **Brandt Fink** were both present to discuss their qualifications with the council for being the borough's SEO. Both Adam and Brandt answered the council's questions and the council told them they would let them know of their decision. Adam and Brandt both left the meeting after their discussion with the council.

Solicitor: Jeff sent the following memo

- **Meeting attendance** – Jeff will not be able to attend the June meeting so he asked if he should send someone else or just wait to attend the July meeting. The council would like him to attend in July.
- **American Rescue Plan Act** - We provided guidance to the Borough Secretary regarding reporting questions.
- **Nuisance Ordinance** - In response to your question about criminal enforcement, the updated version would allow for enforcement by way of criminal or civil means. The police could do something criminally, and so could the Borough. And the Borough and Codes Enforcement Officer could proceed civilly too. We will await your comments. Please be advised that we are doing some minor enhancements to the draft relative to enforcement, which we can present to you in the near future as well.
- **Volunteer Firefighter Tax Credit** - Per the Borough Secretary's request, we reviewed and analyzed Ordinance No. 2019-02, establishing the volunteer service credit program and provided guidance on recent questions. Joy mentioned that she had received an email from YATB asking for the notarized list of the volunteers eligible for the credit for 2021. Joy reached out to Chief Scott Gingrich about not having received the listed and he was under the impression the credit was done away with so no volunteers were able to take advantage of the credit for 2021.
- **29-31 High Street** - As reported last month, the deadline to remedy the violation has passed. We await instructions from the Borough as to whether legal action should be initiated. The council reviewed an email that was sent to the borough today in regards to them putting a contract on a house to buy but being

dependent on their home selling. In addition to that, their tenant was asking for 1 year for them to be able to relocate and not have to remove any of the dogs. After discussion of the council, a motion to proceed with legal action was made by Patrick and 2nd by Zac. The motion passed without opposition.

- **Municipal Night at the Ballpark** - May 20, 2022 Peoples Bank Park. Please rsvp by Monday, May 9 to rsvp@cgalaw.com.
- **Monthly Collection Report** – The council reviewed the report. A motion to file a lien for uncollected garbage fees on 157 High Street was made by Patrick and 2nd by Sherry. The motion passed without opposition.

Engineer –

- **Storm drain replacement pricing for Church Avenue** – Byron requested bids from 5 companies and received 2 back. They are as follows:
 - Fitz and Smith for \$21,500 with the borough buying the pipe
 - Pennell Services \$18,400 with the borough buying the pipe

Byron thinks that the pipe will cost around \$6,000. Patrick mentioned that he would like to see the bids go directly to Joy and then she can forward them onto Byron to review. It was mentioned that when it is a sealed bid, they are opened at a public advertised time. A motion to have Pennell Services do the project for \$18,400 and have the borough purchase the pipe was made by Patrick and 2nd by John. The motion passed without opposition.

- **40 Red Lion Ave stormwater** going onto neighboring property – The paving they had done did create a problem for the neighbors but they have contracted with Emory Peters to have it corrected and the stormwater directed back onto their own property.
- **Televising on Red Lion Ave** – televising is complete and he is working on the report. Byron has given him a deadline of May 20th to turn in the report.
- **DEP Updated Stormwater Ordinance** – Byron mentioned that DEP is requiring all municipalities to do a new updated Stormwater Management Ordinance by September 30th of this year. He currently has the draft ordinance and is reviewing it.
- Byron mentioned that during the discussion with Steven Goss it was mentioned about having a 2nd dwelling on a property. As per the borough's ordinance, it is not allowed and a resident would need to go to the Zoning Hearing board for approval.
- **SEO** – Byron said that Adam Anderson had worked for him in the past and there are not many out there that want to do this job anymore.
 - A motion to appoint Adam Anderson of Site Design Concepts to be the borough's SEO was made by John and 2nd by Patrick. The motion passed without opposition.
 - A motion to appoint Brandt Fink as the borough alternate SEO was made by Patrick and 2nd by John. The motion passed without opposition.

Code Enforcement - Memo from Jeremy

- The council reviewed the memo from Jeremy. Jeremy is no longer with South Penn as of April 28, 2022.

Old Business:

- **Pothole repairs** –
 - King James Asphalt – Joy called them and they were going to come and take a look at the potholes and give an estimate but never received any quotes. Joy followed up with a message and received no call back.
 - Emory Peters – Joy called them but they can't do the work because they are scheduled into September
- **Water testing on High Street** – will have our new SEO take care of this as soon as we have them contracted with the borough.
- **DCNR Playground** –
 - Picnic tables were to be shipped out last week but haven't heard anything from them.
 - Sonlight Chapel is going to put together the picnic tables and install in the pavilion. They also may be interested in purchasing some additional tables.

- **Pool water into storm drains** – DEP called back and said that they would stop by and give them information on the proper way to drain a pool.

New Business:

- **Ambulance Report** – there were 3 calls in the borough in March and 3 in April.
- **Penn Dot Multimodal Grant Award** – The borough was awarded the grant to complete road restoration and storm water work on Water Street & Moore Lane. The borough will receive \$211,165 and the borough will need to put a 30% match of \$90,000 toward the project. A motion agreeing to accept the Penn Dot Multimodal Grant award amount of \$211,165 with the borough providing a match of \$90,000 was made by James and 2nd by John. The motion passed without opposition. Joy will sign the letter and return to Penn Dot tomorrow to get the process started.
- **Fire Police**
 - Chief Scott Gingrich provided the council with a picture of the new badge for the fire police and has asked if he as the chief can swear in any new fire police since they now carry their own worker's compensation insurance. A motion to approve the new badge and allow the chief to swear in new fire police was made by Patrick and 2nd by James. Sherry abstained. The motion carried.
 - A request from Stewartstown Borough was received to assistant in the following events: Stewartstown Fireworks, Carnival, Parade and 5K run. A motion to approve the Fire Police to assist was made by James and 2nd by Patrick. Sherry abstained. The motion carried.
- **Exelon Fishing** – Exelon would like to close off a portion of Muddy Creek to have employee only fishing on Saturday, May 21st and also use the pavilion. A motion to allow Exelon to hold an employee only fishing event along Muddy Creek on May 21st was made by Patrick and 2nd by John. James abstained. The motion carried.
- **Resolution request from Abbottstown** – Joy provided a resolution request from Abbottstown to the council for their consideration.

Alliance Fire and Rescue – Tyler Burkins

- Fire reports are not available at this time due to a reporting error. Once correct, they will be emailed to the borough.
- Fireside is rented every weekend
- Fundraising committee is up and running
- There have been 7 guys hired for the fire specialist positions.

Comments from Council

- **John** would like to purchase a picnic table or bench in honor of his wife. He will get with Joy to find out what needs to be purchase.
- **Patrick** asked about looking for grants to get the money to install the electric to put up the Christmas lights or if Exelon would pay to have it done for their use of the creek for this employee fishing.
- **Zac** asked about a camper that is now parking up on High Street. It was discussed that this is mentioned in the draft nuisance ordinance so it can be addressed when that is adopted. Also, the parking on High Street continues to be problem for him to get in and out of his driveway.

Secretary:

- Joy passed the Notary exam. Should have everything finalized within the next month or 2.

Adjournment: A motion to adjourn at 8:20 PM was made by Patrick and 2nd by Sherry. The motion passed without opposition.

Joy Flinchbaugh – Borough Secretary