

**Felton Borough, York County ~ Council Meeting**  
**Monday, November 6, 2023**

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

**Council Members Present:** Gary Martin, Mary Lader, Zac Klock Sherry Arnold, James Vergos (6:57 pm), Mayor Bryan McManus, and Secretary Joy Flinchbaugh.

**Council Member Absent:** John Trout, Patrick Schmidt

**Others present:** Byron Trout of Gordon Brown & Associates, Brandon Mundy, Tom Troxell, June Ellis, Nancy Grove, Joanna Gruver and Chad Arnold of Alliance Fire and Rescue.

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

**Approval of Minutes:** A motion to approve the October 2<sup>nd</sup> & 9<sup>th</sup> meeting minutes was made by Mary and 2<sup>nd</sup> by Zac by. The motion passed without opposition.

**Approval of Treasurers Report:** A motion to approve the treasurer's report with the following additions GF: Met-Ed office \$52.89, Selective Insurance \$1976.00, Gordon Brown \$315.55 General, 424.75 Mundy Plan, 1406.25, 593.75, 28.75. State Fund: Met-Ed Street Lights \$587.64 was made by Mary. and 2<sup>nd</sup> by Zac. The motion passed without opposition. Joy pointed out that due to the yearly worker's compensation insurance audit we have an additional fee to pay due to some of our subcontractors who do not have employees and carry worker's compensation insurance themselves.

**Alliance Fire and Rescue** – Chad Arnold

- There was a total of 94 calls in October of which 3 were EMS calls in the borough
- Craft Show was a success with over 80 vendors. They are looking to hold it a little earlier in the year next year, possibly September.
- Gun Raffle was a huge success. They sold 973 of the 1,000 tickets and had 330 people in attendance. The ending profit was \$62,000.
- Windsor twp. is working on a new updated burn ordinance and would suggest the borough look at it.
- Chad spoke about issues with the Red Lion ambulance. There have been issues with the ambulance being out of service because of staffing issues. This causes the fire company to be dispatched to these calls when the ambulance is not available and having to wait on the next due ambulance. It would be a good for the borough to reach out to find out why this is happening. Chad left the meeting after he was finished.

**Called to be on the agenda:** **Brandon Mundy** was present at the meeting to discuss his subdivision plan. He is taking 4 lots that he owns and turning them into one lot to hopefully help on his cost of taxes and in the future be able to add onto his house. Bryon spoke about the plan as well. Byron reviewed the plan and provided comments as well as the York County Planning Commission. Brandon's consultant addressed all the comments except with the owner signature on the plans. Joy mentioned that Brandon did sign the plans and Joy notarized it prior to the meeting. Byron feels that the plan can be approved. Joy informed the council that our current Planning Commission only consists of one member at this time. After consulting with Jeff, he provided guidance on what the council can do to move this plan forward. The council can appoint 2 residents of the borough to have 3 on the current planning commission or the council can appoint 3 members from the council to form the planning commission. The council appointed Mary Lader, Bryan McManus, and Gary Martin to form the Planning Committee. Mary was appointed the chair of the Committee. The Planning Committee is recommending to the council to approve the Mundy Subdivision Plan. A motion was made by Sherry and 2<sup>nd</sup> by Zac to approve the Mundy Subdivision Plan dependent upon a new deed being done, the plan being recorded and any outstanding fees being paid. The motion passed without opposition.

**Public Comment:**

**June Ellis, Nancy Grove and Joanna Gruver** were present to discuss with the council about getting veterans banners put up in the borough. The council told them that they will need to work with Joy to get the information to Met-Ed to get an agreement to place them on the poles. The council would like to see this take place.

**Tom Troxell** was present to discuss his business TXLEV and to offer to install a Level 2 EV smart charger free of charge for the borough. He has been dealing with mostly the private sector but would like to get into the

municipalities and wanted to offer this since he is a resident of the borough. He would donate the charger and fee to hook it up. After much discussion on EV's pros and cons and the need for one in the area, Tom was asked to send the council more information. Tom left the meeting at 7:55 PM.

**Solicitor** – Jeff Rehmeyer of CGA Law Firm Memo

- **46 Sechrist Flat Road** - We sent a new demand letter to Gemcraft for payment in the amount of \$20,000, which if received would be used to fund the replacement stormwater facility. The deadline for Gemcraft's response is November 3, 2023. We are also coordinating with the Borough Secretary investigating the viability of using the Letter of Credit in place for the development at large. That Letter of Credit is also in place with regard to Gemcraft Homes Lot 7 & 8. The goal is to obtain monies from Gemcraft or from the Letter of Credit if possible. There was some concern with the fact that Mr. Casteel prohibited Gemcraft from trying to finish the work. We certainly recognize that it had many opportunities to do so. We also believe that Mr. Casteel would like to move the stormwater facility for personal reasons, in addition to his frustration with the current situation. We also are considering filing a complaint with the District Magistrate. But the next step is to see how Gemcraft responds to the most recent letter.
  - Joy informed the council that she is not aware of contact to Jeff in regards to the demand letter. Jeff's letter is requesting \$20,000 from Gemcraft to pay for the fix of the stormwater basin. Joy believes that if Gemcraft pays it will be a check to the borough and the borough would pay the contractor for the work. The council has concerns as to the liability of handling the money that way. Joy will be checking with Jeff to find out more information on how that will be handled if they do pay the \$20,000. Ross has a tentative start date of 11/29 with a contractor.
- **Gemcraft Homes, Lot 7 & 8** - The Borough Engineer inspected the stormwater management facilities and believes that they are ok. But he would like to re-inspect them in 60 days. Out an abundance of caution, we are working with the Borough Secretary who is gathering information from Integrity Bank in order to be able to draw on the Letter of Credit. This Letter of Credit may have applicability to 46 Sechrist Flat Road as well. Once we have more information, we can assist with additional documentation.
- **Planning Commission** - Provided guidance to the Borough Secretary regarding plan review if the Planning Commission does not have the required number of members. The Borough has 2 options regarding the review of a plan without the requisite number of members of its Planning Commission. Since the Borough currently has only 1 member on its Planning Commission, it can appoint 2 additional members to meet the required number of members which is 3. Members of the Planning Commission must be residents of the Borough and at least 2 shall not hold a Borough office. 1 member of Borough Council could be appointed and 1 non council member; or 2 non council members. The second option is for the Borough Council to appoint a Planning Committee comprised of 3 Council members to take on the duties and tasks of a planning commission.
- **Tax Ordinance/Resolution** - The tax needs to be adopted by the end of the year. The Ordinance or Resolution should be adopted at the December 4, 2023 meeting. If the tax rate remains the same or is less than last year, it can be enacted by resolution. If the tax rate is higher than last year it must be enacted by ordinance. The provisions of Act 57 of 2022 should be incorporated into the tax ordinance or resolution. Please advise if you would like CGA to prepare the document.
- **Organizational Meeting, Tuesday January 2, 2024** - The municipal election is November 7, 2023. Due to this, all boroughs will reorganize on Tuesday, January 2, 2024. (It is usually the first Monday of the year, unless that day is a holiday).
- **Collection Report** – was not received yet.

**Engineer** – Byron Trout of Gordon Brown

- **CDBG Grant** – Penn Dot permits received and we are looking at a December 7 bid opening.
- **Penn Dot Multimodal Grant Award – Water Street & Moore Lane** – executed agreement received and it will be going out for bid with opening in January.
- **Covid 19 ARPA Grant – Red Lion Ave Stormwater** – no news yet on whether we have been awarded it or not.
- **46 Sechrist Flat Road Retention Pond issues** – was discussed earlier.
- **Local Share Account Grant for Church Lane** – We submitted this grant application for the Category 4 but can now submit the Statewide application. The council approved the submittal for this round.

A motion to approve Resolution 2023-07 that asks for \$108,459 grant from the Local Share Assessment grant was made by Mary and 2<sup>nd</sup> by James. The motion passed without opposition.

- **CDBG grants for 2024-2027** – The next round of CDBG is open with applications being due in January. Are there any projects the borough would like to look at. The borough's comprehensive plan is old and could be updated.

#### Code Enforcement – Wayne Smith

- 3 Main Street - The property owner has been approved for funding to make the repairs / demolition to the porch. We will be waiting to hear more information on when it will take place.
- Wayne is finishing up rental inspections in the borough.

#### SEO memo - nothing to report

- **Lot 7 Concord Commons** – permit closed (Main St)
- **Lot 8 Concord Commons** – permit closed (Main St)
- **287 E Main St** – owner has contracted for repairs, waiting for application to be completed and work date to be set
- **41 Church Ave** – Conducted initial (with owner) and follow up inspection (without owner) for potential malfunction. Wet area was noted initially downhill from tank, but it was not conclusively septic. Second visit attempted to review results of dye test and take sample of water below tank. No dye was visible, and water had dried up below tank. Initial cause of inspection – high liquid level; normal liquid levels noted during both inspections. No malfunction noted at this time. May conduct additional inspection in one month to look for wet areas and attempt to collect sample for lab test.
- **74 Church Ave** – contractor investigated but was unable to fully evaluate as bamboo growth was too extensive. He and owner were to discuss further options for system evaluation and possible cause of issue. (pending)

#### Old Business:

- Pavilion – John took care of this.
- Christmas decorations – we now have a signed agreement from Met-Ed and Keith will be putting them up the week of November 13<sup>th</sup>.

#### New Business:

- **Ambulance Report** – there were 4 calls in the borough, 2 were handled and 2 were missed.
- **Burns Tree Service quotes for playground trees** – the council reviewed the quote to do some additional work at the playground area and decided to hold off for now.
- **Michelle Klugh Animal Control services for 2024** – Michelle has provided the borough with a contract for 2024. The contract has a \$100 retainer fee and her hourly rate will be going to \$55 per hour. A motion to approve the 2024 contract with Klugh Animal Control was made by Mary and 2<sup>nd</sup> by James. The motion passed without opposition.
- **Planning Commission Member** - Terry Dodge resigned from the Planning Commission because he moved out of the borough.
- **YCBA Annual Dinner & Awards Meeting, November 18, 2023** – please let Joy know if you want to attend.
- **SWIF – WC audit** – was discussed earlier.
- **Penn Waste contract increase – due to the York County Solid Waste Authority raising the tipping fee our monthly contract amount for 2024 will increase by \$214.76 per month. This will change the refuse budget line.**
- **Review of Mundy Subdivision Plan** – was taken care of earlier.
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#### Comments from Council - none

Adjournment: A motion to adjourn the meeting at 8:41 pm was made by Mary and 2<sup>nd</sup> James. The motion passed without opposition.

*Joy Flinchbaugh – Borough Secretary*