

Felton Borough, York County ~ Council Meeting
Monday, September 18, 2023

Meeting Day and Time: Monday, September 18, 2023 6:30 pm at the Felton Borough Office located at 88 Main Street, Felton, PA.

Council Members Present: Gary Martin, Mary Lader, James Vergos, Zac Klock John Trout, Mayor Bryan McManus, and Secretary Joy Flinchbaugh.

Council Member Absent: Sherry Arnold and Patrick Schmidt

Others present: Byron Trout of Gordon Brown & Associates, Chad Arnold of Alliance Fire & Rescue, Jeff Rehmeyer of CGA Law Firm and Ross Casteel of 46 Sechrist Flat Road.

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

Approval of Minutes: A motion to approve the August 14th meeting 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: CGA \$720, 180, 1362.18 / Penn Waste \$6,999.80 was made by Mary and 2nd by John. The motion passed without opposition.

Called to be on the agenda: **Clair Weigle of Kaltreider Benfer Library** could not make it to the meeting but sent information on the borough residents use of the library.

Public Comment: **Ross Casteel of 46 Sechrist Flat Road** was present to discuss his ongoing stormwater retention pond issues with Gemcraft. Ross reviewed all the times that the pond has failed and Gemcraft tried to fix it. This has been going on for 2 years now. They are still on a temporary occupancy permit due to the ongoing issue. Ross provided an alternate plan to the borough to review for relocating the pond which Byron did give comments on. For the location of the current basin to be moved, the current site would need to be deemed unusable. Byron said that if he were on site and they dug down a few inches and hit water, then it could be deemed as a failed site. Ross is requesting the release of the \$5,000 funds that were paid by Gemcraft at the time of the temporary occupancy permit to guarantee a fix. That retainer has been paying for the legal and engineering fees for this ongoing issue so the full \$5,000 is no longer available. Ross has also retained his own council on the matter and looking at filing a civil suit against Gemcraft.

Byron said that he had recently received the as built plans from Gemcraft on what is to be installed on the property and he responded with a following up letter. During this whole process they have never followed through with having Byron onsite to inspect during the installations. Byron said that for this to new fix to have a chance of working it needs to get through the limiting zone and a probe should be done. Byron also mentioned that a probe should be done on the site that Ross would like to relocate the pond to. Byron also mentioned that the borough received a call in regards to a Letter of Credit for \$60,000 that was given when the subdivision was approved. This could possibly be used to correct the issue if Gemcraft fails to do so.

Jeff mentioned that the goal is to have Gemcraft make the fix because they are the ones who installed it. If Ross were to install the basin, then the responsibility shifts to Ross and not Gemcraft. According to the letter that was sent out in August, Gemcraft has until September 28th to have the correction completed. Jeff plans on filing a citation at the district magistrate on October 2nd. The borough's SW ordinance allows for fines up to \$1,000 per day. At this point, the council asked Ross to hold off a little longer to give Gemcraft the chance to correct and if they do not, the borough will start the legal process. Jeff is going to do another letter to Gemcraft's engineer in regards to tonight's meeting since they did not have anyone in attendance. A discussion of withholding the occupancy permits on Lot 7 & 8 which Gemcraft just finished building was discussed and Jeff believes the borough can withhold these permits. A motion to withhold the occupancy permits for Lot 7 & 8 was made by Mary and 2nd by Zac. The motion passed without opposition.

Alliance Fire and Rescue – Chad Arnold provided the council with the monthly report.

- There was 1 call in the borough in August and 71 total for the fire company
- Gun Raffle is coming up on September 30th 11 am - 7 pm
- Craft Show on Saturday, October 28th 10 am - 3 pm. Chad left he meeting at 7:26 pm.

Solicitor – Jeff Rehmeyer of CGA Law Firm

- **46 Sechrist Flat Road** was discussed earlier. Jeff will look into the letter of credit that was provided when the subdivision was completed.
- **Gemcraft Homes, Lot 6 and 7** was also discussed earlier.
- **Amendment to Refuse Ordinance** - Jeff said the Ordinance was advertised and may be adopted in September or October. Jeff said when we do our next refuse contract, we should then do a full update to the ordinance.
- **Collection Report** - The report was provided and reviewed by the council.

Engineer – Byron Trout of Gordon Brown

- **CDBG Grant** - we had to sign up for efile through Penn Dot and we are waiting on that approval to move forward.
- **Penn Dot Multimodal Grant Award** – Water Street & Moore Lane - Byron responded to the comments on the bid specs and the agreement is awaiting Penn Dot signatures to move forward to bidding.
- **Covid 19 ARPA Grant – Red Lion Ave Stormwater** - we are now hearing that these award announcements will be made in November.
- **46 Sechrist Flat Road** Retention Pond issues - discussed earlier.
- **Apply for Local Share Account Grant for Church Lane** - Byron informed the council that he and Joy got together and looked at applying for this grant for Church Lane. There is one due Sept 30th that is only available to certain counties including York and then a statewide grant due the end of November. In order to apply the council will need to adopt Resolution 2023-06 requesting a Local Share Assessment Grant in the amount of \$108,459.00. There will also be a \$100 filing fee for the grant application. A motion to approve Resolution 2023-06 was made by James and 2nd by Mary. The motion passed without opposition.

Code Enforcement – Wayne Smith

- 134 Man Street - has been cleaned up by Junk Monkey's and we are being told the home is going to be sold.
- 3 Main Street - Last update was from the end of August and the property owner was going to be getting assistance in getting all the information submitted for the funding. Joy will find out another update before the next meeting.

SEO memo

- 287 E Main St – determined septic tank to be leaking; owner is aware and obtaining quotes for work
- 74 Church Ave – system is having issues, confirmed by contractor, but uncertain yet as to whether it is drainfield failure or a broken/obstructed pipe; further evaluation required (absorption area completely covered by bamboo preventing simple assessment or analysis)
- 41 Church Ave – received potential malfunction notice, site visit attempted, but entry was denied by owner. NOV sent informing of requirement for inspection and potential remediation efforts.
- Lot 7 Main St – complete final inspection (SEO permit)
- Lot 8 Main St – complete final inspection (SEO permit)

Old Business:

- **Tree at playground** - The borough received 3 quotes which are all a little different in the work to be completed. The prices are as follows: Pennell Services for \$3600 to remove the tree & \$4500 to remove and stump grind, Currey's Brush Removal for \$3,400 and Lewis Burn's Tree Service for \$2900. Burns quote does not take into consideration any other trees in the area. A motion to have Burns do this work and look at the other trees as well was made by James and 2nd by John. Zac opposed the motion. The motion carried.

New Business:

- **Ambulance Report** - there were no calls in the borough in August.
- **YCBA Quarterly meeting on September 28th** - let Joy know ASAP if anyone wants to attend.

- **SPCA contract for 2024** - a copy of the contract was provided to the council. A motion to approve the 2024 SPCA contract was made by Mary and 2nd by John. The motion passed without opposition.
- **Reorganization Meeting-** January 2024 meeting will be held on January 2nd, mark your calendars for this Tuesday meeting.
- **Trick or Treat Night** - The council agreed to hold Trick or Treat night on Saturday, October 28th 6-8 pm.
- **Liquid Fuels for 2024** - the borough is expected to receive \$17,435.21 on March 1, 2024.

Ordinance 2023-02 - amending ordinance 1973-1, the Felton Borough Refuse ordinance regarding unpaid accounts was mentioned by Jeff. A motion to approve Ordinance 2023-02 was made by James and 2nd by Mary. The motion passed without opposition.

Comments from Council

- **Zac** said the trees on Maul Avenue need to be addressed, they have overgrown over the roadway. Joy will send out notification to the property owners.
- **Byran** asked if yard waste can be put out for garbage collection. Joy will check into it.

Secretary:

- **Vacation October 23rd - 27th** - office closed
- **Newsletter info** - working on the borough newsletter if there is anything in particular the council wants published.

Adjournment: A motion to adjourn the meeting at 8:001 pm was made by Mary and 2nd James. The motion passed without opposition.

Joy Flinchbaugh – Borough Secretary