

Mt. Holly Springs Borough Council
Meeting Minutes-September 14, 2020

Call to Order – Mr. Collins called the September meeting of the Borough Council to order at 7:00 p.m. and led the Pledge of Allegiance. Meeting participants had a moment of silence in remembrance of the tragedy of September 11, 2001.

Attendance– The following members of the Borough Council were present; James Collins II, Katie Daniels, Sherry Boyles, Cathy Neff, Gay Bowman, Lois Stoner, and Cindy Goshorn. Also, present; Leroy "Cork" Shildt, Mayor; Mark Allshouse, Borough Solicitor; Thomas Day, Police Chief/ Borough Manager; and Sara Jarrett-Eaton, Borough Secretary/ Treasurer.

Dangerous Structures Hearing for 118 Yates Street- Mr. Collins began the hearing for 118 Yates Street Dangerous Structures Ordinance violations. Mr. Collins directed Mr. Allshouse to explain to members the meeting procedures. The record reflects that the owner of 118 Yates Street received a letter of notification of the hearing. Neither the property owner nor representing counsel were present at the hearing. Council members, Chief Day, Mayor Shildt, and Mr. Allshouse received a physical copy of the evidence presented by Sergeant Wolfe and the copy is referenced as "the binder" throughout Sergeant Wolfe's testimony.

Sergeant A. Wolfe from the Mount Holly Springs Police Department presented the ordinance violation case against 118 Yates Street. Sergeant Wolfe testified to council regarding his findings and the findings of the Codes Officer, Troy Russell, during their search warrant on June 10, 2020. A copy of the search warrant was provided in the binder for council's review to provide justification for the search. Sergeant Wolfe read from a report submitted by Mr. Russell which outlined the violations of the Dangerous Structures Ordinance within section 3 and subsection F, referencing the unsanitary conditions caused by a nonfunctioning sewer disposal system. The binder presented to council included several images of the property and the violations found during the search warrant. Sergeant Wolfe added descriptions to the images during his testimony and pointed out specific violations. Sergeant Wolfe also described to council a theft of services devices found connected to the water meter known as a "bypass." Sergeant Wolfe pressed formal charges against the property owner but later dropped them when the property owner paid their back-owed water, sewer, and trash bill to the borough. Sergeant Wolfe presented pictures and described the bypass mechanism to council members. Sergeant Wolfe explained the potential hazards that the property is creating. He described issues not only for that property and its future owners but for those living around the property access their water supply through wells. Sergeant Wolfe reported that the Department of Environmental Protection (DEP) had been notified by neighbors and he had spoken

to them about the situation. DEP showed concerns for not only the sewage disposal issues and water contamination but also for evidence of tires being burned on another part of the property. Sergeant Wolfe also described construction work to the property that was ongoing without proper permits. There was recently a significant upgrade to the electrical system that had not been properly inspected. The property owner has not applied for any building permits and is in violation of borough ordinance.

Ms. Daniels asked Sergeant Wolfe if other sections of the ordinance would apply to these circumstances. Sergeant Wolfe acknowledged that there were other sections of the Dangerous Structures Ordinance that the property owner would be considered in violation of, but section 3 subsection F was the most inclusive. Mark Stahl of Biglerville expressed concern for the evidence of burning especially near the Mountain Creek. Ms. Daniels asked if water testing by neighbors could be reimbursed. Mr. Allshouse clarified that there was no restitution allowed under this ordinance violation, but the neighbors could pursue reimbursement through civil litigation.

Mrs. Boyles made a motion to approve the condemnation proceedings for 118 Yates Street, Mt. Holly Springs, PA. The motion was seconded by Mrs. Goshorn and passed by unanimous vote.

Mr. Collins closed the Dangerous Structures Ordinance violation hearing for 118 Yates Street.

Approval of August Bill List and Payment- Mrs. Boyles motioned for the approval for the payment of bills. It was seconded by Mrs. Stoner. The motion passed unanimously.

Approval of Minutes – The minutes of the Borough Council meeting on August 27, 2020 were approved as presented. The motion was made by Mrs. Stoner and seconded by Ms. Bowman. The motion passed unanimously.

Citizens to be Heard -

Name: Mark Stahl

Address: Mount Creek Trout Club

Comments: Mr. Stahl addressed council regarding upcoming events for his organization. He asked permission from council for use of Stoll Field on October 4, 2020 to host a benefit yard sale and chicken bbq. Mrs. Boyles made a motion to approve his request and Mrs. Neff seconded the motion. The motion passed unanimously. Mr. Stahl also expressed interest in purchasing Stoll Field from the borough for use in creating an environmentally friendly trout nursery. Chief Day responded that it is in the best interest of the borough to keep Stoll Field due to the

potential need to extend the sewer plant in the future. Mr. Stahl also asked council for permission to pursue a handicap fishing area on Mountain Creek. Council members were agreeable to his requests. Council members, Chief Day, Pam Still and Mr. Stahl engaged in conversation regarding property ownership where he would like to put the handicap fishing area. Pam Still offered Mr. Stahl some information that may be helpful for his project.

Name: Pam Still

Address: 18 S. Baltimore Avenue

Comments: Ms. Still shared appreciation for the fire department, the ambulance company, and Sergeant Wolfe of the Mt. Holly Springs Police Department for their quick and skilled work in response to a gas leak at her property.

Name: Denny Russell

Address: 31 N. Baltimore Avenue

Comments: Mr. Russell shared concerns regarding the fireworks through the borough. He asked questions about the procedures for passing the ordinance.

Name: Brian Robertson

Address: 12 Trine Avenue

Comments: Dr. Robertson gave appreciation to the borough maintenance department for their good work on Mountain Street.

Solicitor's Report- Mr. Allshouse reported that he is working with the Borough Authority on ordinance revisions.

Mayor's Report- Mayor Shildt presented the police statistics for the month.

Committee Reports- The following reports were discussed;

WCCOG Report- Mr. Russell was not able to attend in person but submitted a Mt. Holly Springs update to the WCCOG electronically.

Health, Safety, and Welfare- Ms. Daniels presented her most recent points of revision to the fireworks ordinance for council discussion and Mr. Allshouse's opinions. Items discussed included language in section 1 regarding the issuance of permits and promulgating rules, a deletion of the option of a special exemption request in section 3 part c, the discussion of the permitting cost for display fireworks under section 4 part c, and discussion of the determining individual for the proof of financial responsibility under section 5 and part b but the latter point was determined to be best as written.

Ms. Daniels made a motion to advertise the Fireworks Ordinance reflecting the amendments discussed prior to the vote for hearing and action at the regular meeting of council on October 12, 2020 at 7 p.m. The motion was seconded by Mrs. Boyles and passed by unanimous vote.

Administrative, Finance, and Budget– Mrs. Boyles made a motion to accept the 2021 Minimum Municipal Obligation for the borough's pension plan as presented. The motion was seconded by Ms. Daniels and passed by unanimous vote.

Mrs. Boyles made a motion to hire Fredrick Lucas as a part-time police officer at a rate of \$19.00 per hour. The motion was seconded by Mrs. Stoner and passed by unanimous vote. Officer Lucas was sworn in during his shift earlier in the day due to not being able to attend the evening meeting in person.

Mrs. Boyles made a motion to approve the contract for the Chief of Police and Borough Manager, Thomas Day. Ms. Daniels referenced a prior discussion which lead her to believe the contract would be separated for each position he holds. Chief Day added that if they were separate, the pay would be the only difference, the contract items would remain the same. Ms. Daniels went on to state that the borough manager is an employee at the will of council, and the contract as written is not clear of that point in her opinion. Council members and Chief Day discussed the addition of a 401K plan and the logistics of opening a plan for not just the borough manager but all employees. Chief Day clarified the reason for asking for the 401K contributions due to the police pension plan restrictions for vesting and his age at his qualifying year. Ms. Daniels added that she expected to see his borough manager rate of pay listed and members agreed to add that item. The motion passed by majority vote with Ms. Daniels being the only no vote.

Zoning/ Codes Officer– The Zoning and Codes officer report was included in the council packet.

Public Works– Chief Day reported that work had begun on the crosswalk improvement project along North Baltimore Avenue. Chief Day reported that the company working on the project is doing a great job. The brick color for the crosswalks has been finalized.

Chief Day reported that the maintenance department will be painting crosswalks in the coming week and will be adding a stop bar at the newly changed intersection of Mountain Street and East Pine Street.

Chief Day reported that we received the payment from the damage done by a truck to the new curbing on East Pine Street. The curbing has since been removed due to

the several times it has been hit by trucks. They anticipate adding a rolled curb instead of the concrete curbing.

Chief Day reported that the work on the Trine Park enhancements will resume next week. Chief Day also offered kudos to the maintenance department for their hard work.

Chief Day reported that the traffic signal work that was bid last year has still not been completed. He recommended to council that they consider rebidding the services as the current vendor has not been in contact and not returned any contact attempts from Chief Day. Mrs. Stoner made a motion to rebid the service contract for the traffic signals. The motion was seconded by Ms. Bowman and passed by unanimous vote.

Ms. Daniels made a motion to rebid the proposed work on the radar system and repositioning of the traffic signal pole on Mill Street at the UGO. The motion was seconded by Mrs. Goshorn and passed by unanimous vote.

Ms. Daniels asked Chief Day about an ongoing yard sale located on Mountain Street and the progression of the clutter at the property. Mrs. Stoner added that there is a property in Wood Avenue. Chief Day responded that he would look into both properties.

Ms. Daniels asked about the work that is being done on the Mountain Creek on the bank near the paper mill. Chief Day believed that they are building a diversion to feed the pump station into the paper mill.

Borough Manager's Report– Mrs. Boyles made a motion to released \$30,000.00 as the 2020 allocation to the Citizen's Fire Company from the Fire Tax Account. The motion was seconded by Mrs. Neff and passed by unanimous vote.

Chief Day reported that the budget process had begun and on how the budget process would work this year.

Chief Day reported that the Jurassic Wonder event would take place in the coming weekend. He reported that he had been working on the logistics of the event and proper safety personnel.

Chief Day reported that the borough is in a good financial condition.

Planning and Zoning Board– Ms. Daniels reported that the Planning Commission will meet on Wednesday of the current week. The borough secretary offered a brief update on the status of the Flohr subdivision application and extensions. Chief Day

provided an update on the status of the ATAK subdivision plan and Ms. Daniels offered insight on the next steps.

Pam Still offered an update on the codification project. She reported the next step was the legal analysis review which will be where most of the work comes in for the borough. She also reported that the application for the county grant money reimbursement has been submitted.

Parks and Recreation- Mrs. Neff made a motion to set the brough Trick-or-Treat date for Friday, October 30, 2020 from 6 p.m. to 8 p.m. The motion was seconded by Ms. Daniels and passed by unanimous vote.

Any other Business to Come Before Council: Ms. Daniels reported on House Bill 10-69 which will amend the Sunshine Act. The changes will include posting the agenda with 24 hours' notice before the meeting and restricting the voting on items not listed on the agenda at meetings.

Pam Still reported that seven more blue bird houses have been purchased for Trine Park bringing the total to 10. The increase in blue bird houses makes Trine Park an official Blue Bird Trail.

Adjourn – Ms. Daniels made a motion to adjourn that was seconded by Mrs. Goshorn. The motion passed unanimously. The meeting adjourned at 8:31 p.m.

Respectfully Submitted,

Sara E. Jarrett - Eaton
Borough Secretary/ Treasurer