

YOE BOROUGH
150 NORTH MAPLE STREET
YOE, PA 17313

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The regular monthly meeting of Yoe Borough Council was held on February 4, 2020 at the Yoe Borough Municipal Building, 150 N. Maple Street, Yoe, PA 17313. The meeting was called to order by Council President Samuel Snyder at 7:00 PM followed by the Pledge of Allegiance.

Council members in attendance:

Samuel Snyder

George Howett

Ryan Harper

Seth Noll

Barry Myers

William Bankoske

Dustin Claycomb

Others in attendance

John Sanford, Mayor

Diana Dvorak, Secretary-Treasurer

Steve Malesker, Engineer

Zach Fritz, Maintenance Supervisor

Seth Springer, Solicitor

Chris Shenberger, Boy Scout

Wendy Neutzal, Dallastown Cougars

Christian Snouffer, Eagle Scout

Tabitha Robinson, Resident

Minutes

Councilman Snyder asked if everyone had a chance to review the minutes from the prior meeting. Councilman Noll made a motion to accept the minutes, seconded by Councilman Claycomb. All in favor, motion carried.

Visitors Report

Wendy Neutzal from the Dallastown Cougars was first on the Agenda. The Borough has already received the certificate of insurance, and terms of the contract. Councilman Harper

Visitors Continued

asked if the Cougars had any projects planned for the ballfield. Ms. Neutzel is not aware of any projects planned at this time. Councilman Snyder asked if there were any plans on the Cougars part to make any repairs to the fence, or to put some money towards the fence. Ms. Neutzel was not aware if this issue was brought up at any meetings. Ms. Neutzel asked if this had been discussed prior. It had been brought up last year. Ms. Neutzel will bring it up at the next board meeting which is being held on February 13th. Councilman Howett made the motion to approve the 2020 contract for the Cougar's use of the ballfield. Councilman Bankoske seconded the motion. All in favor, motion carried.

Chris Shenberger from Boy Scout Troop 69 based out of Jacobus Pennsylvania was next on the agenda. Mr. Shenberger was hoping to complete his Eagle Scout certification at Yoe Park. Mr. Shenberger handed out paperwork *Navigating an Eagle Scout Project*. Mr. Shenberger briefly discussed the purpose of the Eagle Scout project. Mr. Shenberger was hoping to construct a dog park in Yoe Park. Mr. Shenberger has a few places he has highlighted on a map of Yoe Park, that he thinks may be viable options. Mr. Shenberger also would like to put some obstacles in the park, rather than just a fenced in area. Mr. Shenberger handed out some examples of obstacles he is considering. Discussion continued. Mr. Shenberger's cost estimate is roughly \$1500. The Borough would not be responsible for the cost of constructing the dog park, only for the continuing cost of maintenance. Councilman Noll asked how quickly Mr. Shenberger needs approval for this project. Mr. Shenberger said he does not need approval tonight. Solicitor Springer asked if Mr. Shenberger reached out to any of the dog parks in the area. Mr. Shenberger has not spoken with anyone, but he has visited the parks. Solicitor Springer asked if any of the parks had breed restrictions, Mr. Shenberger was not aware of any restrictions. Mayor Sanford asked why Mr. Shenberger picked Yoe Park for his project. Mr. Shenberger said that Yoe Park was the closest park to his home that had the space for a potential dog park. Discussion continued. Liability and maintenance issues briefly discussed. Council thanked Mr. Shenberger for his presentation and said he did a great job. Council will discuss the possibility of a dog park further and will get back to Mr. Shenberger.

Christian Snouffer was in attendance to discuss a Hornaday project that he would like to do in the Borough. Mr. Snouffer discussed briefly what qualifies as a Hornaday project. Mr. Snouffer would like to put in storm drain markers. Councilman Noll said this project would help the Borough reach some of the MS4 requirements that we are struggling to reach such as public involvement. Mr. Snouffer detailed the company he would like to use for the markers, and the material he plans to use. The makers would say "Drains to the Bay". Mr. Snouffer handed out a flyer with the information. Discussion continued. Councilman Noll offered to be the Borough representative. Mayor Sanford asked how this Hornaday award fits into the Scouts, Mr. Snouffer explained that this is a conservation award. Discussion continued.

Councilman Noll made a motion that we partner with Christian Snouffer for the purpose of completing a portion of his Hornaday award in Yoe, and Councilman Noll will be the contact person. Seconded by Councilman Bankoske. All in favor, motion carried.

Visitor's Continued

Teresa Robinson from E Pennsylvania Ave was in attendance to discuss a No Parking sign that was placed on the common area. Ms. Robinson has a few concerns with the sign, also the parking is limited in that area, and quite a few people on that stretch use that area for overflow parking. Ms. Robinson said that children use the common area to play, and she feels that someone may run into the sign due to the placement of the sign. Ms. Robinson feels that the sign placement is going to be a maintenance problem. Ms. Robinson also feels that taking that area away for parking is a problem. Ms. Robinson purchased a parts car to replace parts on another vehicle that she owns. Ms. Robinson said the vehicle is in good condition, all four tires intact, not an eyesore, and is parked behind her house, she had to relocate it because the registration and inspection were not up to code, she understands that those items are a requirement to drive on the road, however she does not understand why the vehicle is a problem for the Borough. By taking away the already limited parking requires residents to use their own yards. Councilman Noll explained that the Borough has ordinances in place pertaining to vehicles, and as long as those are followed you are welcome to keep the vehicle on your property. Ms. Robinson said she was unable to have the vehicle inspected as it did not run. Ms. Robinson said there is a parked vehicle on the street that has not moved since she moved to the Borough in 2012. Said vehicle is plated as antique and has not been inspected. Mayor Sanford said that if the Borough is unaware of an issue, we cannot act on it. Ms. Robinson said Patti Myers is on our street enough to send us notifications. I have probably had half a dozen in the five years that I have lived in my current home. I have lived in three different properties on E Pennsylvania Ave and Church Street and I know her name well. I feel personally harassed by her at this point. Mayor Sanford pointed out that most people that have contact with her do feel that way due to her position. Ms. Robinson asked Mrs. Myers asked why Patti was there, and Mrs. Myers said she was down the street inspecting something else. Ms. Robinson does not feel that Patti being in the area to check something else gives Patti license to then inspect Ms. Robinsons property both front and back yard. Ms. Robinson feels singled out. Mrs. Myers used to put a hanger on the door giving the resident 10 days to rectify an issue, but Ms. Robinson did not receive a door hanger this time, instead a letter was sent to Ms. Robinson's landlord, and Ms. Robinson did not find out until three days before the expiration date. Ms. Robinson did not receive a letter from Mrs. Myers and feels that the resident should be notified as well as the landlord. Councilman Noll said that we do not always know who the resident is, we only have records of the legal owner, and our codes are written that we have to notify the person who owns the property. If the person who owns the property does not comply, we have means to use to get them in compliance, we do not have that with someone who rents the property. We do not have a full registry of the residents in rental houses. Ms. Robinson does not feel this is acceptable, she feels a door hanger should

Visitors Continued

have been left, or that a letter should have been mailed to her residence. Ms. Robinson has not received a door hanger for the last three incidences. Councilman Snyder said that Mrs. Myers does not typically leave door hangers after the first offense, as it is assumed that the resident is aware of the problem and to rectify it. Our ordinance is set up that we notify the property owner. If the property owner, then took that amount of time to reach out to Ms. Robinson that is out of Mrs. Myers hands. Ms. Robinson said that Patti Myers has Ms. Robinson's address and knows Ms. Robinson's name, there is no reason that I did not receive a letter. Mayor Sanford asked for clarification on what we are talking about. Ms. Robinson said I did not pick up my dogs' poop because honestly the weather. It was muddy and slushy for a while and my entire backyard does not have grass because we had a pool up and the grass went away. It is just muddy and whenever it is wet or the rain drains down the hill it pools up in my yard, I have streams in my yard heading towards the creek. So, to pick up the dog poop in that condition is not well, I have to wait for a dry time and my schedule availability because I work from 9am to 9pm consistently. So, it was for the dog feces and also for my vehicle parked out back which may not have been road worthy but it had out of date inspection stickers on it and was not an eyesore, no different than cars parked at 53 N Church Street. Councilman Snyder said we have received numerous complaints about the odor coming from her yard to neighboring properties. It is no excuse to say you have to wait for weather. If you have a dog, you have to be responsible for it. It cannot be a nuisance to neighboring properties. Ms. Robinson said the neighbors can knock on the door. She said, I would, that is how I handle things. Councilman Snyder said, well they didn't, and those issues can become confrontational, so they notified the Borough. When an officer, and Patti is an Officer of the law, their eyes are opened, and they see other issues. You were complaining about lack of parking in that area and why we placed a no parking sign on the common area, but you yourself are taking up a prime spot for parking by having a junk car there. That is why the Borough restricts those things that says you cannot have an unregistered vehicle parked on your property like that. You also mentioned the neighboring car that had not been moved, I will tell you that having an antique license on that, it is registered therefore it is inspected. An antique vehicle is not required to be inspected each year. Ms. Robinson said so it can legally sit there. Councilman Snyder said yes it can. Ms. Robinson said that is the same as her car. Ms. Robinson feels this is a double standard. Ms. Robinson asked if the Borough has authorization to alter their ordinances. Councilman Snyder said yes. Ms. Robinson asked if the Borough would change the ordinance to state that the vehicles can stay if they are not parked on the road that the inspection should not need to be required if it is not on a roadway. Councilman Snyder said yes, we could. Discussion continued. Councilman Noll said that we have chosen to draw a line and we will enforce it. In regard to the property across the street, that is the Borough's property, it is private property. Ms. Robinson asked if the Borough would open that for residents to park. Councilman Noll explained that we have not due needing to get vehicles such as trash truck, plows and emergency vehicles down that road. Discussion continued. Ms. Robinson said we

Visitor's continued

are in a jam, we have outgrown the parking in that area. Councilman Noll reiterated that we have to keep that area open for plows, and emergency vehicles. Discussion continued. Mr. Fritz explained why the sign was placed where it is. There was a vehicle parked there when the sign was placed. Ms. Robinson said people have been parking there for over a decade. Councilman Myers said no they haven't. I have been here for a long time too. The Borough has not always owned that property. If they were parking, there it was someone else's property at that time. The Borough has owned the property for eight or nine years now, and we do not want anyone parking there. Ms. Robinson said she is not the only one. Councilman Harper said that he understands the issue, however that is just a part of living in town. Ms. Robinson said Okay, no parking there, good to go, can I propose we move the sign to a safer area at the edge of the property, not the middle where a child is going to run into the sign. Mr. Fritz said the sign is temporary. The sign is where it is because there was a car there, and because of the railroad ties. Councilman Noll said that while that area is owned by the Borough there have been no provisions made to open it, and technically there should be no kids playing there. It is trespassing. Ms. Robinson said all the kids use that area to play. Solicitor Springer said the sign needs to be conspicuous and provide adequate notice to everybody. Ms. Robinson said, yes, at the edge, not in the middle. Mayor Sanford instructed Zach to move the sign. Ms. Robinson said the Borough could have gone about this a different way. The Borough could have put a notice on the car, and it would have been cheaper than the sign and the labor for him to put the sign up. Mr. Fritz said he was under the impression that a notice was sent. Mr. Robinson said to the address on the registration? Mayor Sanford confirmed that yes, it was sent to that address. Councilman Snyder pointed out that those vehicles are constantly changing. Ms. Robinson said then put a sign on the telephone poll, go all out. Councilman Noll said it is technically illegal to park on the grass under MS4 guidelines. Councilman Noll elaborated on that. Ms. Robinson said that there is a neighbor that has people cutting across his yard all of the time to get to the park. Councilman Noll said it is his right to put up a fence if he does not want someone on his property. Solicitor Springer said the property owner is also welcomed to put no trespassing signs. Discussion continued. Councilman Snyder said the Borough had purchased that property with the intent of putting in a rail trail but that has since fallen through. Councilman Snyder said the residents are welcome to start a petition if they wish to open that area and the Council will consider it. Discussion continued. Councilmember Noll said the Borough also purchased the property because it was not being maintained at the time. Councilman Myers said that yes, when it was not being maintained residents were complaining about the grass and rats etc. Ms. Robinson said people may not like it, but it is better for the environment and nature that way. Discussion continued. Councilman Snyder said we hope we have answered all of your questions maybe not in the way you would have liked but we did try to answer all of your questions. Ms. Robinson said, no I appreciate it. I will be present every month I am interested in what is happening in this Borough because I take pride in the town that I live in. I am very disappointed in the experience here so far, and I really hope to see improvement on that.

Engineer's Report

Report provided. Last month we authorize Dan from Clearview Construction to do repairs to the basin. That work is complete. Discussion continued. We did go upstream a little bit because so much of that sediment that was coming from the embankment erosion. He went 40' upstream, the tree was cutting into the bank. Riprap was placed in a few areas. There were about 20 truckloads taken out of there. Discussion continued. The weir needs to be cleaned, Dan already did that, but needs to be cleaned out again because of the rain. Discussion continued. Dan submitted an invoice in the amount of \$8119.24. Councilman Noll made a motion to pay Clearview's invoice in the amount of \$8119.24 seconded by Councilman Harper.

Mr. Malesker and Mr. Fritz discussed the issue of a pothole in front of a homeowner's house on Broad Street. Mr. Fritz put rolled curb up, but the homeowner said the cold patch washed out and water is still coming into his yard. Mr. Fritz went back out and put more cold patch down. There was a rolled curb there at one time that went down the road a bit. The rolled curb needs to be replaced professionally. Councilman Snyder feels we should do the Broad Street and Park Alley project done at the same time and pull the funds from the Stormwater account. The property owner has been notified that we cannot do anything permanent until warmer weather. Discussion continued.

Solicitor's Report

2020-01 Ordinance fixing the millage rate for the year 2020 at 3.955 mills. The budget was opened for preview last month. Councilman Myers made a motion to accept the amended 2020 budget. Seconded by Councilman Harper. All in favor, motion carried. Councilman Howett made a motion to ordain ordinance 2020-01 setting the millage rate for the year 2020. Seconded by Councilman Bankoske. All in favor, so be it ordained.

Solicitor Springer provided a quick update of the Attig property. Councilman Snyder signed the plans last month, and they were picked up by someone in Ms. MacNeal's office. The Borough's involvement is concluded for the time being.

Employee handbook has been reviewed. Solicitor Springer feels that the handbook on top of the employment agreement is a bit redundant combined with the job description. Discussion continued.

Solicitor Springer handed out Notes of Decision from the Borough code which is the Powers of Council. Solicitor Springer advised that everyone read over this. Discussion continued.

Maintenance Report

Report provided. The signage has been replaced at Broad and Orchard. The weight restriction sign on Broad and Main was replaced again. Mr. Fritz reached out to Veteran's Landscaping to

Maintenance Report Continued

get a quote for mowing the common area on E Pennsylvania and the dam. At the same time Mr. Fritz also had Veteran's provide a quote for mowing the park. The quote from Veteran's was the common area for \$50 a mow, and the dam for \$190 a mow. The quote for the park was \$240 a mow. Discussion continued. This proposal is for one season. Councilman Harper made a motion to accept the proposal from Veteran's Landscaping for all three areas. Seconded by Councilman Claycomb. All in favor, motion carried.

The New Holland Tractor is in need of a considerable amount of repair. Mr. Fritz provided a list of the work that we know is needed, this is most likely not a complete list, once the tractor is taken apart more work will probably be needed. The quote is upwards of \$12,000. Another option is to have Messick's come out and take a look at the tractor, however Messick's had offered \$18,000 for the tractor as a trade in. Discussion continued. Mr. Fritz thinks our best option is to trade in the tractor and purchase a trac loader. Councilman Noll asked Zach to make a list of what he saw wrong. Discussion continued. Zach found a lease option for the Trac loader. The lease program is four annual payments, at the end you pay a depreciation of \$1, at which point, you own the equipment. Discussion of which account to pay the annual amount out of continued. Councilman Snyder wants the plow removed from the quote. Councilman Snyder was agreeable to the street sweeper. Discussion of removing the street sweeper and just renting the sweeper as needed. Council was in agreement with this. Discussion continued. Councilman Snyder said if we take off the plow and broom takes us down to \$35,961.00, this does not include interest. Councilman Noll made a motion to accept the proposal from Messicks for \$18,000 trade in for our tractor and the trac loader as they laid out minus the broom and plow, for a four year lease and that payment to be coming out of the cable franchise, any remaining cable franchise balance to go into the Capital Reserve account. Councilman Myers said to make sure the CoStars number is on the paperwork. Councilman Claycomb seconded the motion. All in favor, motion carried.

Property maintenance discussion. Councilman Noll put together some new forms for the property maintenance inspections. Diana came up with a cover letter for the rental inspections that will go out to the landlords. The second form is the actual information that is to be completed by the landlord. A few changes were made, adding email address and an option for a designee. This form will need to be returned to the Borough. The penalty section was added to the registration form. Councilman Snyder wants the option of cash payment removed from the form. The most complex is the actual inspection form. We inspect with the International Property Maintenance Code. The form Councilman Noll made breaks down the code into sections. This is either a pass/fail, if it does not apply Zach would put in N/A. This is a visual inspection only. This form has a section for owner's comments, and also outlines the appeals process. Our ordinance also states that we will issue a certificate, which we had not done. The certificate is good for 24 months. On the letter being sent out it is noted that the Borough reserves the right to revoke the certificate at any time. Discussion continued. Councilman Noll

Maintenance Report Continued.

made a motion to accept the proposed letter as drafted. Seconded by Councilman Claycomb. All in favor, motion carried. Councilman Harper made a motion to accept the registration letter, removing cash as accepted form of payment. Seconded by Councilman Noll. All in favor, motion carried. Councilman Myers made a motion to accept the rental until inspection form, seconded by Councilman Noll. All in favor, motion carried. Councilman Bankoske made a motion to accept the rental until certificate, seconded by Councilman Harper, all in favor, motion carried.

Diana is doing an audit of the addresses to verify that we are capturing all of the rental units.

Zoning Officer's Report

There is a vehicle on Broad Street that was tagged. There was also a vehicle on the Housing Authority property that was being parted out that has now been removed. The two issues involving Wilson Court and Church Street were sent to those addresses, rather than to the property owners. This was corrected yesterday with the letters being sent to the property owners.

Discussion of Zoning Officials meeting this includes a stormwater meeting. Councilman Myers is also interested in being added to the list.

EMA Report

Report provided.

Mayor's Report

Report provided. Mayor Sanford received a complaint about the vehicle on Broad St. Owner of the vehicle was contacted, however due to other issues the owner will not be able to move the vehicle for a few weeks. The Police are obligated to give him 10 days then send a certified letter, then wait another 7 days, before removing the vehicle.

Reduction of fees is still in open discussion with the Police Commission.

Secretary's Report

The audit has been completed. W2s are being sent out. Diana had a conference call with PMRS yesterday. We must increase the Borough contribution to 4.5% minimum per employee. This does not have to take place until April 1st. Discussion continued. Councilman Snyder will follow up with PMRS.

Unfinished Business

Councilman Harper made a motion to go into executive session at 9:48 PM seconded by Councilman Noll.

The regular meeting was reconvened at 10:01. Council would like to send a letter to Mr. Shenberger outlining the concerns that Council has for his proposed project. If Mr. Shenberger has another project he is interested in Council would be willing to consider it.

New Business

The next DCNR grant round is open, do we want to consider the fence at the ballfield. Discussion continued.

Payment of the Bills

The Gemmill sign bill, which is not on this bill list, was incorrect. A corrected invoice will be sent. This had not been paid because the proposal and the invoice did not match. Councilman Noll made a motion to pay the bills. Seconded by Councilman Harper. All in favor, bills are paid.

Adjournment

Councilman Claycomb made a motion to adjourn the meeting at 10:10. Councilman Snyder seconded the motion. All in favor, meeting is adjourned.