

YOE BOROUGH
150 NORTH MAPLE STREET
YOE, PA 17313

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The regular monthly meeting of Yoe Borough Council was held on March 3, 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 7:03 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

Dana Shearer, Resident

Bob Strobeck, Resident

Jaqueline Gedo, Resident

Tabitha Robinson, Resident

Minutes

Councilman Snyder asked if everyone had a chance to review the minutes from the prior meeting. Councilman Snyder noted that there were two page 5's. These will need to be corrected. Councilman Noll made a motion to accept the minutes with the changes, seconded by Councilman Howett. All in favor, motion carried.

Visitors Report

Mr. Strobeck was in attendance to inquire about the property on Wilson Court. He was wondering if we had any updates on how this is progressing. Councilman Snyder recapped what was discussed last month. Diana had emailed Jeremy from South Penn; Jeremy did speak with the owner of the property. The owner was going to have the tenant's clean things up, however Jeremy was out on Monday the 2nd, and did not see any changes. Mr. Strobeck said the only change he has noted was that no one is sleeping there now. Discussion continued.

Jacqueline Gedo wanted to address an issue from February 12th, when her basketball hoop was taken with no notice, no nothing. When this was picked up the residents were told that trash was being picked up. Ms. Gedo said that the only trash that was there was siding from a house two houses down that is being worked on, there is siding all over. The only reason they were given that the basketball hoop was being taken was that they were told to pick up trash. Why is it that the basketball hoop was taken, but the rest of the neighborhood was not taken care of?

Councilman Snyder said probably what you are referring to is when we directed our maintenance supervisor to go out and police the property that the Borough owns, and to pick up trash. That wasn't necessarily a directive for him to go around town picking up trash so there may have been other trash that you are alluding to floating around the street. Ms. Gedo said but it wasn't trash. I myself and a different neighbor that lives across the way came running out saying hey this isn't trash we can move it if there is a problem. We were never given any notice. Nothing was put on our door, nothing was put in the mail, nothing was given to our landlord, nothing. The basketball hoop has been up and down on that common area for the last almost 4 years that we have had that basketball hoop. That was my only issue with it was why all of a sudden is it now trash when all we could have been told was don't rest it there when I just put it up last weekend for my oldest son who is ten years old to play with. So it still being used. I use it almost once a week when it is nice out. Now that it is nice out even the neighbor a block and a half down come down and plays with us, with his son. I was just curious why we were not at least hey can you at least not do this anymore. We get a notice about dog poop but we can't get a notice about a basketball hoop. Councilman Snyder said it is different when we know who to go to. Something like that, that is sitting out, on our property that does not have a name tag on it we have absolutely no way to know who it belongs to. The people mowed last year we have come out and moved it for them. Councilman Noll said we no longer have that contract. Councilman Snyder said if I went down there and saw that I would not know that was your hoop. As far as I am concerned if it is on the Borough property it needs to go. Ms. Gedo said, I mean it has been outside of our house for four years. We are the only people on the block who have a basketball hoop outside of our house since the people, I don't know who it is a couple of block downs with a bunch of dogs, a bunch of little dogs, I'm assuming it is her extended family with a bunch of kids left. Councilman Snyder said, again I don't think you should find it reasonable that our Borough Maintenance man or anyone on Council should know exactly what property everybody has at any given time, and when it is on our property who it belongs to. We have no way of knowing who it belongs to, we just know it

Visitor's Continued

does not belong on our property so therefore he was directed to get rid of it. Ms. Robinson asked if it would be reasonable to tag the property for future events, as there was a vehicle on Broad Street that was tagged, giving you X amount of time to fix the problem until the Borough would have to take corrective action. Would that be an acceptable resolution? Mayor Sanford said the reason the sticker was on the vehicle was because that is how the law is written. It is

different circumstances than the basketball hoop. Ms. Robinson asked if that could be a procedure used in this scenario as well? Councilman Snyder said the solution is that other people should not put their property on other people's property if they are afraid it is going to be taken. Ms. Robinson said it is a common area once given right to the property owners, unfortunately some of the residents were never given an opportunity to purchase it because the Borough sued the property owners for rights to that property and the Borough there inherited it. It is called a common area that we all have access to, and our children use to play.

Councilman Snyder said actually, according to the law, we followed the law in 2004 when it was purchased. We actually had to go through quiet title and condemnation proceedings because we actually were fought by property owners along that area. We actually had to take them to court and show ownership and we were granted ownership by the courts. So if is not, I can't help that you were not a property resident at that time. The law says we have to notify who the property owners were at the time we were quick claim and quiet title to condemn it.

The fact that you came in five years later. Ms. Robinson said 2004 was the year I moved in, and provided her address. Councilman Snyder said, and again renters, because you said you rent you wouldn't be able to claim. Ms. Robinson said my mother owns her property. Councilman

Snyder said well then she would have been one that we would have contacted because we actually have all the records of that. Every property owner along there had to sign off. Ms.

Robinson said it would have been a land holder who received that notice as opposed to my mother. Councilman Snyder said if you feel the Borough acquired title to that property illegally then you can by all means try to sue to open up the. Ms. Robinson said I was only stating it as a common area. Councilman Snyder said it is not a common area. Ms. Robinson said that is the title you use. Ms. Gedo said it is stated on the Borough website as of 2017 that it used as a

common area. Councilman Snyder said that is what people keep referring it to but it is actually Borough owned property. It is private property so you are put on notice. Ms. Gedo said her question is that as of 2017 it is listed as a common area, and you are stating just here it is private

property how are we supposed to move forward or are none of the children in the neighborhood allowed to step foot on it. All of the children for the last almost five years that have been living in this neighborhood, and there is a good 10-15 of them. Councilman Noll said, I can stop you right now, the legal answer is no, they cannot legally step on that property, you do not own it. Ms. Gedo said so that is all I am asking at this point, going forward.

Councilman Noll said that is our answer. Councilman Snyder said, I can make a motion now that the website be changed, that the property in question be know as Borough owned property between upper and lower Pennsylvania Ave. Ms. Gedo asked how are we supposed to stop a

Visitors Continued

bunch of 4 and 5 year olds that do not even belong to us. Councilman Snyder said you don't have to worry about them, you are responsible for your own children. Councilman Snyder said if you are saying you don't know what your own children are doing. Ms. Gedo said, I'm not saying I don't know what my own children are doing. I'm saying I'm supposed to tell a 4 year old who has grown up here that they are no longer allowed to play on that patch of land, no longer has anywhere to play other than walking all the way to the park. Councilman Snyder said yes. Councilman Noll said technically it is not your responsibility, but technically but the answer is. Ms. Gedo said it is my child, of course it is my responsibility. Councilman Noll continued – they are not allowed on that piece of property, period. Councilman Harper made a motion, seconded by Councilman Bankoske. All in favor, motion carried.

Councilman Snyder asked if there are any other visitors that would like to be recognized. Mr. Strobeck said he had another issue to address. The last time he was here he complained about the speed in the morning while kids are on the sidewalks. Mayor Sanford addressed this. He said it is back to time and place. Discussion continued. Mr. Strobeck does not feel there is a police presence in Yoe. Mayor Sanford said we can put another detail out or use radars. Mr. Strobeck said he doesn't see the police in Yoe. Mayor Sanford said we have a set number of hours that we are working with. Unfortunately as times progress the crimes have increased and that has taken some of the time allowed from speed enforcement. Mr. Strobeck does not feel they are spending the time in Yoe like they used to. Mayor Sanford said they explained that they don't have the time because it is being spent on the crimes. Discussion continued.

Ms. Robinson asked said could I inquire why that patch of land couldn't be opened for public use as it is not used for Borough use but it is maintained by the Borough. Solicitor Springer said it is not designated for public use and there is a reason for that. The Municipality does not keep that tract of land designated as a park and does not want it designated as a park. The Borough already has two parks and those parks are made to accommodate the play of children. I was under the impression that you had was with the basketball hoop that was taken from the Borough's land. That it actually what is called a trespass to property. Discussion continued. Ms. Robinson said what about making it at your own risk. I don't see how it causes harm for the children to play. Councilman Noll said because you don't hold the liability or insurance for that piece of land. Even at your own risk means we are still liable. Discussion continued.

Engineer's Report

We did have a sink hole develop since the last meeting. It has been taken care of. Photos attached to the engineer's report. It was discovered this is a really old stormwater system. Councilman Myers made a motion to pay Clearview's invoice in the amount of \$1,250 to fix the sink hold on Church Street. Seconded by Councilman Harper. All in favor, motion carried. Zach pointed out some erosion issues at the park. Discussion continued. Councilmen Noll,

Engineer's report continued

Howett, and Myers will meet with Mr. Malesker and Mr. Fritz to look over the issues at the park. Mr. Malesker will report on the discussion next month.

Mr. Fritz brought up the bridge on Main Street and provided pictures. There used to be a bush that covered over the gap between the bridge and the sidewalk. Mr. Fritz has a call out to Penndot to have them come look at this. Initially Penndot sent out the contractor who had done work in that area, however, the work that was done did not remove any parts of the bridge, the only barrier was branches from the bush. Councilman Snyder asked if we should just wait for Penndot before making any decisions. Discussion continued. The consensus of Council is to wait to hear back from Penndot. Councilman Noll said any meeting with Penndot should be between Mr. Fritz, himself and Councilman Myers.

The parking area out back has an awful lot of rutting. Mr. Fritz got a quote from Clearview. Mr. Fritz said that where you can in and out of the garage the area is sunken 4 or 5 inches. Dan from Clearview came out gave a quote for about \$6,000. Discussion of quote.

Solicitor's Report

We have one proposed ordinance and two resolutions to go over.

Discussion of proposed ordinance to amend Pennsylvania Municipal Retirement System plan. Councilman Snyder was contacted to discuss deficiencies in our current plan. Councilman Myers made a motion for Solicitor Springer to advertise the proposed ordinance for adoption at next months meeting. Seconded by Councilman Claycomb.

Councilman Snyder updated everyone why the changes were needed. The Borough was told that we would need to provide a 4.5% contribution based on each employee's base pay. That would be a tremendous increase from what we are currently paying. What Councilman Snyder found out was that we could mandate that the employees contribute 2.5% and the municipality pay 2%. This would increase the contribution amount for Zach, however Diana would lose the most. When Councilman Snyder discussed this with the PMRS contact, he was told that nothing precludes the municipality from giving Diana an end of year balance to make up the difference. The Borough can give Diana an end of year bonus of \$500 which she can then invest on her own. This is now taxable income, and only increases the Borough's total contribution for the year about \$250. Upon speaking with Diana, Councilman Snyder found out that both employees are already putting in more than 2.5% towards their retirement. Discussion continued.

Resolution 2020-04

Resolution opposing the proposed Pennsylvania House Bill 349 of 2019 that would require municipalities enforcing the Uniform Construction Code to retain two third party agencies to

Solicitor's Report Continued

act on the behalf of the municipality. Councilman Harper made a motion to resolve resolution 2020-04. Seconded by Councilman Noll. All in favor, so be it resolved. Discussion continued.

Resolution 2020-05

Annual fundraiser for the Fire Company to hold their fundraiser at the park. Councilman Bankoske made the motion to resolve. Seconded by Councilman Banksoske. Councilman Noll and Councilman Myers abstained. All others in favor. With two abstentions the motion still passes.

We did receive notice that the final subdivision plan for the Attig property has been recorded.

Councilman Myers had a question about the property being in the historic overlay. He wanted to know if this meant the house cannot be torn down. The home is not on a national registry. Councilman Snyder said it still could be torn down, however there would need to be a hearing for approval. Discussion continued.

The Borough had received a request for a "Burn Letter" for a property in the Borough. The property currently has two uses on it. Due to the commercial use prior attempts to sell the home have fallen through. There is a mortgage company who will consider a traditional mortgage if the Borough issues a burn letter stating that the Borough would allow the home to be rebuilt and retain the mixed use. The Borough ordinances already allow for this. Discussion continued. Councilman Noll made a motion for the secretary to send a letter back to the requester outlining the ordinance. Seconded by Councilman Myers. All in favor, motion carried.

Maintenance Report

Report provided. Discussion of resurfacing on Clark Alley. R7 boulders have been installed on E Pennsylvania AVE. Mr. Fritz did call around for quotes on fencing for the ballfield. Quotes will be forwarded to the Dallastown Cougars. The quotes were for the entire outfield. The dugout roofs are in dire need of repair. The consensus of Council was to reach out to Chris Shenberger, who was in attendance at last month's Council meeting to discuss an eagle scouts project. Councilman Noll made a list of tasks that need to be completed on a weekly, monthly, and yearly basis. The pavilion roof at the park also has a leak on the kitchen side. Discussion continued.

Mayor Sanford noticed that the dusk to dawn light on the small pavilion is not working. Mr. Fritz said that is something he has been working on because he had noticed this as well.

Councilman Noll said we are now in the spotted lantern fly quarantine list. Discussion continued.

Zoning Officer's Report

Patti has been reaching out to property owners due to various issues and those issues have been resolved.

EMA Report

Report provided. Brief discussion of Coronavirus.

Mayor's Report

Report provided. Discussion of truck traffic and results of citations.

Secretary's Report

Mrs. Dvorak has been working with Zach to get the rental inspection letters out.

Executive Session

Councilman Noll made a motion to go into executive session at 8:40 PM. Councilman Bankoske seconded the motion. The regular meeting was reconvened at 9:03 PM. Councilman Howett made a motion for the secretary to send a letter to Kleppers based on the discussion that was held during the executive session. Seconded by Councilman Bankoske.

New Business

Councilman Noll made a motion to approve a handicapped parking spot at 92 West Pennsylvania AVE. Seconded by Councilman Harper. All in favor, motion carried.

Payment of the Bills

Councilman Myers made a motion to pay the bills. Seconded by Councilman Noll. All in favor, motion carried.

Adjournment

Councilman Claycomb made a motion to adjourn the meeting at 9:08. Councilman Snyder seconded the motion. All in favor, meeting is adjourned.