

YOE BOROUGH
150 NORTH MAPLE STREET
YOE, PA 17313

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The regular monthly meeting of Yoe Borough Council was held on May 4, 2021, 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

Seth Noll

William Bankoske

Barry Myers

Ryan Harper

Dustin Claycomb

Others in attendance

John Sanford, Mayor

Diana Dvorak, Secretary-Treasurer

John Klinedinst, Engineer

Seth Springer, Solicitor

Beth Acosta, Resident

Chaz Downs, Resident

Minutes

Councilman Snyder asked if everyone had a chance to review the minutes from the prior meeting. There was a typo on page 2. Lieutenant Schollenberger said the community way - should be the community was. Councilman Myers made a motion to accept the minutes, seconded by Councilman Bankoske. All in favor, minutes approved.

Visitors Report

Mrs. Acosta was in attendance to discuss the sidewalk on her property that she would like to remove. She had been corresponding with Councilman Snyder via. Mrs. Acosta lives on S. Elm Street. There is sidewalk that runs along W. Third Street and along the front of her house. Mrs.

Visitors Continued

Acosta would like to remove the sidewalk because there is no adjoining sidewalk, and the sidewalk is in disrepair. Mrs. Acosta's plan is to pave once the W Third Street portion discussed at a previous council meeting is added to her deed, she wants to pave that area. Mrs. Acosta wants to remove the front sidewalk. Councilman Snyder recapped what he had discussed in the email communications. The issue that Council would have to consider would be the area that abuts Elm Street going up to Dallastown. Council has been requiring sidewalks with property improvement for several decades now. There is also the stormwater issue to consider. There are some stormwater projects planned in the Elm Street area. Councilman Snyder had no set date for these improvements so he invited Mrs. Acosta to come to the Council meeting so Council could consider the issue. Discussion of how the grants work. Councilman Myers asked if Mrs. Acosta wanted to get rid of all of the sidewalk. Mrs. Acosta detailed the work she wanted to do, which included removing the sidewalk in the front, and pave where she plans on putting a garage, and then add sidewalk along the side again. Councilman Snyder's concern is the sidewalk along the front. Councilman Myers said that the current sidewalk does not meet ADA. Councilman Myers said his personal opinion is he is okay with it as long as the curb stays there for stormwater run-off. Mayor Sanford said that is setting a precedent for others then. Discussion continued. Councilman Snyder asked if the work she was doing would require a ramp. Mr. Klinedinst said no, her work would not trigger a sidewalk, Municipal work would require a ramp. Councilman Noll said we could still come back ten years from now she would have to put a sidewalk in. Our ordinance says that Council can require sidewalks at any time. Discussion continued about upcoming stormwater work. Councilman Snyder said he did not see any ordinance that allowed Council to remove sidewalks. Solicitor Springer said if she is required to keep it, she has to keep it. If there is wiggle room in the ordinance, then she can remove it, with the understanding that if there is a change in circumstance, she may be required to put sidewalk in at a future date. There was discussion of adding a note to the plan when it is recorded for the Elm Street adoption.

Chaz Downs was in attendance to discuss the possibility of paving Gay Alley. Restuccia paved the end a few years ago when they were doing work for a homeowner. This was not requested or paid for by the Borough, Restuccia did it as a courtesy. Steve Malesker had looked into paving this Alley for the Borough several years ago. At the time it was determined to be cost prohibitive. The Alley would have to be banked to the opposite side so the water did not run into the garages, which may create a hump that people would not be able to get into their garages. Councilman Myers asked if C.S. Davidson would have this information in their files. Mr. Klinedinst said yes, and he will pull it for review. Discussion of Dirt and Gravel Road grant. Councilman Noll said that we would pull the files and go from there. Mr. Downs said he is not the only resident is having an issue. There are no other visitors. Councilman Myers asked if we could peak it in the middle. Mr. Klinedinst said we could possibly. Mr. Klinedinst wants to review the file before making any recommendations.

Visitor's Continued

Mr. Klinedinst said the Borough should be careful with the sidewalk thing. He feels the six-month note is a reasonable accommodation. But that has to be a recorded document.

Engineer's Report

Report provided. C.S. Davidson did do the Ruth Seeger plan with John Ogden. There are no utilities in the strip that is being abandoned. A PA One Call was done for all utilities. The only thing that was marked was the sewer.

The rules are still being written on the American Rescue Plan, the items named were Sewer, Water and Broadband. Infrastructure is not named in the American Rescue Plan. There is an infrastructure bill in the works. Should that bill pass, the money would most likely flow through already established plans, such as the community development block grant program. Councilman Myers asked if we're going to get any money from the infrastructure bill for roads or bridges. Mr. Klinedinst said the bill has not yet passed, so he doesn't know. Councilman Myers has two bridges in Yoe he would like the funds for. Mr. Klinedinst said that he wouldn't wait for an infrastructure bill, York County alone will be receiving \$82 million. Councilman Myers asked if C.S. Davidson could give an estimate for the bridge replacement on Mason and Church Street.

Councilman Snyder met with C.S. Davidson on April 15th. All of the MCMs were discussed. The Sanitary Sewer System recommended maintenance program bids came in from Mr. Rehab. This was bid as a four-year program. The way it is written is that there is a price for each quadrant with estimated quantities of grout. Councilman Noll asked if there was anything in the paperwork for escalators; Mr. Klinedinst said no. The only thing subject to a price increase would be the grout, root inhibitor, and the nonshrink grout for the manhole patching. If Council wants to accept the proposal tonight from Mr. Rehab for the 2021-2024 Sanitary Sewer maintenance program subject to receiving, the performance bond, the payment bond, the public works employment verification form, and the certificate of insurance, and award the 2021 bid, Mr. Klinedinst thinks we would be off and running. C. S. Davidson has worked with Mr. Rehab before. Should we accept this proposal Mr. Rehab would be locked into these prices for four years. Mayor Sanford asked, other than poor workmanship what other clause could we terminate for the following three years. Councilman Noll said, convenience. Mr. Klinedinst said the contract said Yoe Borough would only award subsequent contracts if the contractor completes the preceding year to the satisfaction of the Borough Council. C.S. Davidson did not do a convenience clause termination. Councilman Noll said we probably ought to consider that in multi-year contracts moving forward. Discussion continued. Solicitor Springer wanted to confirm that we were locked into these prices. Mr. Klinedinst confirmed. Solicitor Springer asked anything different from the contract would require a change order, correct? Mr.

Klinedinst said yes. Councilman Noll made a motion that we accept the 2021-2024 Sewer Maintenance program from Mr. Rehab with the conditions of them providing the documents

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Engineer's Report Continued

that Mr. Klinedinst has outlined, also with the condition that we award the 2021 package and subsequent year packages are contingent upon the previous year's package being successfully completed and evaluated by Council. Councilman Myers seconded the motion. All in favor, motion carried.

USIC is now being handled by USIC.

Sanitary Sewer repair – the contracts have been sent to the contractor, but Mr. Klinedinst has not heard that the contracts came back. There is nothing to sign yet.

CDBG applications, one of the applications – Main Street, Newton to Pennsylvania has been funded. Main Street, Pennsylvania to George is on the short list. Discussion continued of dollar amounts awarded. The engineering for this project can be started at any time. Councilman Snyder said Mr. Klinedinst can bring the issue back up to Council at his discretion for applying for permits. Any engineering, which is our match, at any time and it will still count. Councilman Noll feels like we should start this process now. Councilman Noll feels we should get the engineering going now. Councilman Snyder asked if we could put this out for bid if we don't have the money. Councilman Noll said you don't have to accept the bid. Mr. Klinedinst would prefer having the money before we put out bids. Discussion continued.

Councilman Snyder has a link for Urban Stormwater Basics for Council members interested. Once completed a certificate will be issued which needs to be turned into the secretary. Discussion continued.

Mayor Sanford asked if Councilman Myers spoke with PennDOT regarding the issue on Main Street. Councilman Myers has spoken with PennDOT, but they want to come out and look at it. PennDOT previously said it was a manhole issue. Mayor Sanford asked if we could use Sewer funds. Councilman Myers said yes but it will need to be re-routed for traffic etc. PennDOT has not yet officially put it on the Borough.

Sewer Billing

The new billing cycle for Sewer/Refuse has gone out. Six new water shut off notices also went out. A few people have not kept their agreed upon payment plan and made the required payment before their water was turned off. Everyone else on a payment plan has kept to the plan, this option seems to be working well.

There are a few accounts that have been abandoned and we are not getting any payment for. Secretary Dvorak asked if we should continue to bill for these accounts. Secretary Dvorak has

stopped putting late fees on the two accounts in question. Discussion continued. Council decided to continue billing for these accounts.

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Sewer Billing Report Continued

Councilman Myers asked if the Borough could take over the properties. Solicitor Springer has come across a blight ordinance in Dallastown. Solicitor Springer feels we should consider a blight ordinance for the Borough. Discussion continued. The consensus of Council is for Solicitor Springer to look into a blight ordinance.

There are a few properties that we will have no choice but to lien. Secretary Dvorak will continue to work with Solicitor Springer on these properties.

Solicitor's Report

Solicitor Springer is working on the bid package for the garbage contract. A draft ordinance was provided for Southern Area Emergency Fire & Rescue to recognize SAFER as the Fire Company. Yoe Volunteer relief will be merged into SAFERs relief. At this point it will remain as Yoe. Discussion of how the Volunteer relief works continued. Discussion of Volunteer Fire Fighter Tax Credit, two sets of books will need to be kept, one for Yoe and the other for Dallastown. Solicitor Springer will reach out to the Fire Chief regarding this issue. Mayor Sanford asked if we need to revisit the prior ordinance due to the name change. Solicitor Springer said no, that is why we are doing the name change ordinance. Councilman Snyder asked how we could make an ordinance changing the name include the Relief, it would seem that would need to be a separate ordinance. Solicitor Springer agreed that yes, that may be what we need to do.

Solicitor Springer inquired about the park walk through with the Dallastown Cougars. Councilman Myers said they are not sure where the property line is for certain. Councilman Myers said they need to go out and find the pins. Discussion of what the Borough should do versus the Cougars. Councilman Myers wants to determine the property lines before the adjoining property is sold.

Solicitor Springer asked if there has ever been a rental inspection hearing. Council said yes, on a few occasions. Solicitor Springer asked under what guidance are the inspections being done, is there a checklist that cites the code. Councilman Noll put a checklist together last year. Diana has been having a few issues getting inspections scheduled and some of the inspections are not going well. Discussion of compliance issues. Councilman Harper feels we need a full-time rental inspection officer. Mayor Sanford asked how many rental properties we have. Diana said roughly 260, this is fluid as properties sell. Solicitor Springer feels this is a lot, especially factoring in compliance. Discussion continued. Mayor Sanford asked how long it takes to do

an inspection. Diana said it depends on the condition of the property. A property in good shape, the inspection takes about half an hour. A property in poor condition can take up to an hour and a half for the inspection. Then there is paperwork follow up. There are currently two problem properties. Diana has only been able to get into one apartment in each of these properties. The Building Code Officer has been notified about both properties. There is an

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Solicitor's Report continued

upcoming rental inspection scheduled with the BCO to do the inspection. Discussion continued.

Discussion of ongoing research on the Water Street issue.

The SAFER ordinance can be advertised for next month, but the Fire Relief verbiage would need to be removed. Councilman Bankoske made a motion for the solicitor to prepare the changes for ordinance 2021-02 as discussed and for advertisement for next month. Seconded by Councilman Claycomb. Councilman Myers abstained, all others in favor.

There is an issue with 143 W Broad ST and an accumulation of things. Councilman Noll said we could cite them under the Vector Ordinance under the international property maintenance code; this would be something handled by South Penn Code Consultants. Discussion of specific details of the accumulation.

Change in use, requires a new Use & Occupancy, 277 S Wilson will need a Use & Occupancy if one was not applied when the property was purchased, any additional use will also require a Use & Occupancy.

Maintenance Report

Councilman Myers did talk to the State but has not had a chance to meet with anyone regarding the Church or on Philadelphia Street. Councilman Myers is going to check into the property on West Philadelphia and Main again, the concern with that property is we may need to get onto the property. Council is not sure that we have an easement for that property, so that will need to be obtained before any work can be done. Work is slated to be done on the storm drain on Main and Philadelphia, so it may be better to leave it alone for now. Councilman Myers and Councilman Noll will go look at this property again. Councilman Snyder said, unless it is a safety issue, then we will wait for the culvert to be improved during the CDBG cycle.

Councilman Myers asked Rick to take care of the potholes that needs to be fixed. Mayor Sanford asked if we were going to do any crack sealing? Councilman Noll said we would need to have Gemmill do it because we don't have the equipment. Discussion continued.

Secretary Dvorak said the Ford F550 needs to be scheduled for inspection soon. Also, the fence for the park, George said we could leave it where it is, and the Cougars already had it graded.

Councilman Myers said we could reach out to the people we awarded it to. Councilman Noll asked we ever made a motion to approve the bid. Secretary Dvorak said we did, it was signed and sent back. Secretary Dvorak said that Councilman Howett also mentioned there are some logs at the Dam that need to be removed. Councilman Myers said he would take a look at the Dam and then call Trump to take care of it.

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Zoning Officer's Report

Patti has been sending letters for high grass.

EMA Report

Last month's meeting has been rescheduled for tomorrow night.

Mayor's Report

Report provided. Mayor Sanford has been working on the sign damage for Broad and Main, we just got a check for that. Regarding the vandalism at the park, the culprits did admit to the damage, and we will be receiving restitution.

Secretary's Report

The copier has been ordered.

Unfinished Business

Councilman Harper needs to get a few more quotes for the downspouts.

Councilman Noll asked how we were going to handle the sidewalk issue. Councilman Snyder will email the resident. The resident will be required to keep the sidewalk in the meantime.

New Business

Councilman Snyder would like to set up a committee to meet with Shentel. Shentel would like to do a presentation to the Borough about offering services to Borough residents. Councilman Snyder wants to review the Comcast agreement before setting up a meeting. Councilman Bankoske and Councilman Harper will volunteer for the Committee with Councilman Snyder.

Payment of the Bills

Councilman Harper made a motion to pay the bills. Seconded by Councilman Noll all in favor, bills are paid.

Adjournment

Councilman Claycomb made a motion to adjourn the meeting at 9:54 PM. Councilman Snyder seconded the motion. All in favor, meeting is adjourned.