

**MINUTES OF SEVEN VALLEYS BOROUGH
COUNCIL MEETING
NOVEMBER 7, 2022**

The meeting was held at the Seven Valleys Fire Hall, 35 Main Street, and was called to order at 7:00 p.m. by President Stiles, followed by the pledge to the flag.

COUNCIL MEMBERS PRESENT

Zachary W. Stiles - President
Deborah J. Ferree
Gregory W. Kinard – Vice President
Gary Landis
John J. Neal
William H. Stiles, II

COUNCIL MEMBERS ABSENT

Gregory Bonas

ALSO IN ATTENDANCE

Douglas J. Wagner – Mayor
Cheryl Bahn, Secretary
Todd A. Zeigler – Treasurer & Asst. Secretary
D. Michael Craley – Solicitor
Samantha Craley - Assistant Solicitor
Jeffrey Koons – Zoning Officer

Number of Visitors in Attendance – 1

SPECIAL MEETING ANNOUNCEMENT

President Stiles announced that Council held a special meeting on October 27, 2022 at 7:00 p.m. at the Tri-Community Ambulance Building, 11 Main Street. Purpose of the meeting was to only gather information related to the possible donation of the building to the Borough. There was no deliberation and there was no action taken by Council.

OATH OF OFFICE TO JUNIOR COUNCIPERSON – MAKENNAK SILES

Assistant Solicitor S. Craley administered the oath of office to newly appointed Junior Councilperson, Makannah Stiles.

BID OPENING – REFUSE & RECYCLING CONTRACT

After being duly advertised, one (1) bid was received from Penn Waste for curbside refuse & recycling collection. The bid proposal was as follows:

Contract Term	Contract Period	Annual Amount
One (1) Year	01/01/23 – 12/31/23	\$384.00
Three (3) Years	01/01/23 – 12/31/25	\$384.00
Five (5) Years	01/01/23 – 12/31/27	\$432.00

The current annual rate is \$298.00. Penn Waste provided an alternate proposal for annual pricing over a three (3) year period (with each year increasing over the contract period). Solicitor Craley

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informed Council that the request for bids was for a flat rate per year; therefore, the alternate annual proposal cannot be considered at this time. If Council would want to consider that option, the opened bid would need to be rejected and the request for bids would need to be readvertised. A motion was made by Kinard, seconded by W. Stiles, to accept the bid proposal for a three (3) year contract at \$384.00 per year; motion carried unanimously. It was the consensus of Council that the option for annual pricing over a multiple year contract will be considered for inclusion in the bid documents in three (3) years.

APPROVAL OF MINUTES

- REGULAR MEETING HELD OCTOBER 3, 2022
 - Motion by Neal, seconded by Ferree, and unanimously carried to approve the October 3, 2022, meeting minutes.

PUBLIC COMMENT

- None

ENGINEER'S REPORT

- PA SMALL WATER, SEWER & STORMWATER GRANT PROGRAM
 - There was follow-up discussion from last month regarding the Borough applying for funds to make stormwater inlet/pipe repairs under the COVID-19 ARPA PA Small Water, Sewer & Stormwater Project Grant Program. The minimum grant available is \$30,000 and the maximum grant is \$500,000. Applications are due no later than December 21, 2022. Zeigler informed Council that he met with Dave Lipinski, from James R. Holley & Associates, on October 31, 2022 and walked the Borough's stormwater system to evaluate the scope of a potential grant application. A motion was made by Kinard, seconded by Landis, and unanimously carried, to authorized Engineer Lipinski to prepare an assessment and cost estimate for repairs to the stormwater collection system. The motion also authorized Zeigler to submit the grant application on behalf of the Borough.

SOLICITOR'S REPORT

- RESOLUTION NO. 10-2022: ACT 57 OF 2022 – TAX COLLECTOR WAIVER OF ADDITIONAL CHARGES.
 - The resolution, which is required under Act 57, applies only to real estate tax on a property that is transferred. The Act gives authority to the tax collector to waive penalties, late fees, etc., but does not allow the face amount to be waived. A motion was made by Landis, seconded by Ferree, to approve the resolution. The motion carried unanimously.
- STATE POLICE REPORT
 - Assistant Solicitor S. Craley provided the State Police activity report for the period of July 1 – September 30, 2022.

ZONING/UCC/CODE ENFORCEMENT REPORT

- Zoning Officer Koons reviewed the October 2022 report with Council (report is on file) and provided updates on significant outstanding issues, including the following:
 - There were no permits issued.

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- 57-59 Main Street (Snyder) - The small shed has been moved to the side yard (from the front yard) and he was made aware of the burning regulations by Koons.
- 52 Main Street (Henkel) – The camper has been removed from the premises. Koons has reached out to Mr. Henkel for an update on having the porch repaired/replaced but has not received any response. There was discussion on filing another complaint in district court; however, Koons expressed concern because in a separate case involving another party, he was told that the judge would not hear the case a second time because a decision had been rendered previously by the judge. Solicitor Craley stated that even though it may be for the same offense, it is for a different time period and should be heard because it is a different offense (each day can be a separate offense). Koons will file another complaint for failure to repair the front porch. Mayor Wagner questioned funding for blighted properties under the York Economic Alliance. Secretary Bahn stated that she is aware that there had been an interested party in the property a couple years ago, which would probably result in the building being demolished. There was also discussion that if the property is sold and there is an outstanding violation, who would be responsible for the repair. Assistant Solicitor S. Craley explained that a seller must sign an affidavit as to whether there are any known violations, and that the responsible party can be negotiated as a term of the sale.
- 34 Church Street (ANGDUPE2011 LLC) – Zeigler reported that Koons had filed a civil complaint against the property owner for failure to cut the grass, and that the owner failed to respond to the court so a default judgment in the amount of \$300.00 was awarded in favor of the Borough. Zeigler also reported that he was contacted by the property owner, who was also issued an invoice for the last cleanup work performed by Smooth Cuts.
- 21 Mason Avenue (Michael Snow) – It was reported that the junk pile is being removed and that the van is complaint. Zeigler questioned whether the van has current inspection, etc. Koons stated that it does not need inspection because it is an antique. Zeigler further inquired whether it wad antique registration; Koons was unsure. Snow informed Koons that the van is drivable, but Zeigler noted that there is lumber stacked on top of the van and that the tires remain flat. Koons will follow-up with Snow on the van matter.
- 69 Main Street (DJK Property Group LLC) – Koons confirmed that there are five (5) dwelling units in the building. The owner concurs that it is five units but informed Koons that it was sold to him as five units. There are only four (4) EDUs assigned to the property. At minimum, he will need to apply for a zoning permit, a building permit, and an additional EDU. Depending on his zoning classification, he may need to apply to the zoning hearing board to add the fifth unit, and would then need to meet the off-street parking requirements, etc. It is obvious that the fifth unit was added illegally by a previous owner. Koons reported that the fifth unit is not currently rented. Solicitor Craley recommended that a request for a sewer UDU be secured before applying for any permits or a hearing before the zoning hearing board.
- Neal reported that 113 Church Street was purchased by the owner of 119 Church Street, and that Koons should observe any structural changes. There have been numerous additions at 119 Church without permits. Koons will investigate both properties.
- Zeigler commented that he received an email from a Borough resident asking what the policy is for placement of a mailbox on a sidewalk within the Borough. The resident explained that she had placed a mailbox across the street from her home, but that the owner of the sidewalk strongly objected, and that she removed it to avoid further confrontation. Since then, she has

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a renewed interest in placing the mailbox again. Ferree commented that it is her understanding that the prior postmaster, who has since retired, started to allow the placement of mailboxes. Zeigler expressed concern as to whether the sidewalks meet ADA requirements for passage, and whether the federal mail system overrides the federal ADA law. Secretary Bahn stated that initially the mailboxes had to be permanently placed (not in buckets or flowerpots) and that they had to meet certain heights and setback requirements. Neal stated that he inquired about mail being delivered directly to each dwelling in the Borough and that he was told by the post office that they are not a Class 1 post office. Solicitor Craley stated that there are federal regulations for the placement of mailboxes, and that under the PA Borough Code, the Borough can regulate sidewalks and can prohibit the mailboxes. Zeigler will research this matter and report back to Council at the December meeting.

UNFINISHED BUSINESS

- None

NEW BUSINESS

- **SNOW REMOVAL PROPOSALS** – Zeigler provide Council with proposals from three (3) contractors for snow removal and salting for the 2022-2023 winter season. The proposals were as follows:

	PLOWING		HAULING	
	Plow/Hour	Salt/Ton	Front Loader/Hour	Tri-Axle Dump/Hour
Hersh Concepts, LLC	\$85.00	\$145.00	\$110.00	\$96.00
Rudacille's Lawn & Landscaping¹	\$125.00	\$150.00	\$225.00	\$175.00
Valley Landworx	\$120.00	\$350.00	\$185.00	\$185.00

¹ Fuel surcharge of \$50.00 per visit.

A motion was made by Kinard, seconded by W. Stiles, to award the snow removal/salting contract to Hersh Concepts. The motion carried unanimously. Zeigler will inform Mr. Hersh of the decision.

- **2023 BUDGET** - A motion was made by Ferree, seconded by W. Stiles, to authorize advertisement of the proposed budget for 2023, with adoption scheduled for the December 5, 2022 meeting. Motion carried unanimously.
- **POSSIBLE OWNERSHIP OF 11 MAIN STREET (TRI-COMMUNITY AMBULANCE PROPERTY)** - Following a period of discussion, a motion was made by Neal, seconded by W. Stiles, to move forward with further discussions with Tri-Community Ambulance on possible transfer of ownership of the 11 Main Street property to the Borough. The motion carried unanimously.

FINANCIAL REPORT

SEPTEMBER 2022

- Motion by Kinard, seconded by Ferree, and unanimously carried to approve, accept, and file the financial report for audit, and authorize the Treasurer to pay regular bills.

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REPORTS

SECRETARY'S REPORT

- No report.

MAYOR'S REPORT

- TRICK-OR-TREAT NIGHT - Mayor Wagner thanked W. Stiles for assisting at the Halloween event in The Valley Tavern parking lot where kid-friendly beverages and hot dogs were provided to about 100 children and adults. This was a joint effort between the Borough and The Valley Tavern.

LIEN COLLECTION REPORT

- No change; three (3) liens remain.
- Zeigler reported that he emailed information to Solicitor Craley for the placement of a lien on 103 Main Street (Taylor) for non-payment of fees for the mowing/trimming/removal of overgrown vegetation. The amount of the lien is \$630.00.

YCSTSA REPORT

- There was no monthly report because the October 2022 meeting was cancelled.
- Solicitor Craley reported that he received (unofficial) word that there is interest by The York Water Company to purchase the STYCSA system. Nobody else in attendance at the meeting was aware of this possibility.

COUNCIL COMMENTS

- President Stiles questioned if there is someone lined up to shovel sidewalks this winter for those properties that fail to remove snow from the sidewalks in a timely fashion. Zeigler stated that he reached out to Immaculate Grounds located on Cherry Street but has not had a response. Smooth Cuts was suggested; Zeigler will make contact to see if they can perform that work, if needed.
- The topic of street cuts permits was raised by President Stiles. Zeigler will gather information for the December 5, 2022 meeting.

ADJOURNMENT The meeting was adjourned at 8:24 p.m. by President Stiles. The next regular Council meeting will be held on Monday, December 5, 2022, at 7:00 p.m.

Respectfully submitted,

Todd A. Zeigler
Assistant Secretary