

**MINUTES OF SEVEN VALLEYS BOROUGH
COUNCIL MEETING MINUTES
FEBRUARY 5, 2024**

The meeting was held at the Tri-Community Ambulance Building, 11 Main Street, and was called to order at 7:00 p.m. by President Z. Stiles, followed by the pledge to the flag.

COUNCIL MEMBERS PRESENT

Zachary W. Stiles - President
William Stiles, II – Vice President
Gary Landis – President Pro Tem
Deborah J. Ferree
Greg Kinard
Mark McWilliams

COUNCIL MEMBERS ABSENT

Gregory Bonas

ALSO IN ATTENDANCE

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

ALSO ABSENT

Makannah Stiles – Jr. Councilperson

Number of Visitors in Attendance – 12

APPROVAL OF MINUTES

- REGULAR MEETING HELD JANUARY 4, 2024.
 - Motion by Kinard, seconded by W. Stiles, and unanimously carried to approve the January 4, 2024 meeting minutes.

PUBLIC COMMENT

- None

ENGINEER’S REPORT

- No report.

SOLICITOR’S REPORT

- **RESOLUTION NO. 11/2024: FIFTH AMENDMENT TO INTERGOVERNMENTAL AGREEMENT OF COOPERATION – SPRING GROVE REGIONAL PARKS & RECREATION COMMISSION**
 - Solicitor Craley reported that he reviewed the amendment and the agreement and noted that it provides for Seven Valleys Borough to appoint two (2) persons to serve on the commission. He also noted that the annual membership fee, based on a per capita rate, is the same as was previously discussed, and that the annual membership fee is in the Borough’s approved 2024 budget. Solicitor Craley further explained that approval of the resolution authorizes the Borough to enter in the Regional Parks & Recreation Commission Agreement. A motion was made by W. Stiles, seconded by Landis, and unanimously carried to approve Resolution No. 11-2024. The initial appointments will be through December 31, 2028 and the second one will be through December 31, 2029. W.

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Stiles volunteered to serve as a Borough representative. Mayor Wagner suggested that the second representative be a resident at-large. It was the consensus of Council to request letters of interest from Borough residents, and to consider for appointment at a later date.

▪ **STYCSA/LOGANVILLE BOROUGH RATE ISSUE – MEDIATION**

- No report.

▪ **STATE POLICE REPORT**

- Asst. Solicitor S. Craley provided a verbal report on PA State Police activity within the Borough for the period October 1 – December 31, 2023, which included vehicle crashes; issuance of 3 citations, 2 warnings, 2 arrests; and 2 non-reportable incidents. There were 2 criminal investigations and 1 criminal arrest.

ZONING/UCC/CODES REPORT

▪ **MONTHLY REPORT**

- Zeigler reviewed the January 2024 zoning & codes report with Council.
- Zeigler noted that 52 Main Street has a new owner, and that zoning & building permits for the front porch repair and a new deck on the rear of the house have been issued.
- Zeigler noted that 150 Church Street was issued a demolition permit of the fire damaged dwelling.
- Ferree asked if the zoning/codes report could be read aloud as former zoning/codes officer Jeff Koons did at each meeting when you gave his report so that the audience knows what is in the report. Zeigler commented that it is public information but it is Council’s decision whether it is read aloud. Following a brief discussion it was the consensus of Council that Zeigler provide copies of the zoning/code report, along with the monthly agenda, for the public to pick up at the beginning of the meeting.

- **MAILBOX VIOLATION REPORT**

All violations have been resolved related to the mounting of mailboxes; except that a new mailbox was erected at 3 Church Street and that a notice was mailed to the property owner. Ferree asked where it states on the report “*guilty; paid fine*” what did the property owner pay as a fine? Zeigler replied that the Borough fine was set at \$50 by the District Judge, plus court costs. She followed up by asking if it was true that it was a \$600 fine plus 30 days in jail? Zeigler confirmed that is not accurate information. Solicitor Craley clarified that under state statute (PA Borough Code), there are two (2) methods for enforcement of local ordinances. First, zoning and land use is through civil enforcement for a fine up to \$500 per day. On a criminal citation, under state statute and depending on the nature of the violation, it can result in a fine of up to either \$600 per day or \$1,000 per day. Ferree questioned if its an ordinance that allows for the 30 days in prison; Solicitor Craley responded that it mirrors state law. She further commented that she spoke to another council member who said he did not recall reading that the mailbox violations could result in prison. Ferree also commented that she was upset after she read Borough resident Brandon Brenneman’s recent mailing, addressed to Borough residents, about the \$600 per day and 30 days in prison. Solicitor Craley commented that the penalty clause was in the sidewalk/mailbox ordinance when it was adopted by Council last year. Zeigler commented that he also read Brenneman’s letter and that he (Zeigler) listened back to the March 2023 meeting recording and that the proposed ordinance was handed out at that meeting, which was followed up by questions (including from Ferree), which included the penalty language. Zeigler further noted that he confirmed that the ordinance, including the penalty language, was emailed to every Council member at the end of March 2023, prior to the April 2023 meeting, at which time the ordinance was adopted unanimously. He noted that the penalty language is standard across the Commonwealth and for that reason it may not have been reviewed closely.

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- ZONING PERMIT REFUNDS

Zeigler reported to Council that he confirmed that the seven (7) zoning permit refunds (totaling \$450) discussed at last month's meeting, excluding the permit for 135 Church Street (Landis), is a legitimate refund and that the refund checks have been issued (January 2024).

FIRE COMPANY / EMC REPORT

- Scott Lackey requested that Borough Council investigate what can be done on Cherry Street, if anything, to alleviate the tight passage for fire apparatus beginning around 25 Cherry Street. Zeigler will research the matter and report back to Council at the March 4, 2024 meeting.

UNFINISHED BUSINESS

▪ RESOLUTION NO. 10-2024: AUTHORIZATION TO SUBMIT 24-25-26 CDBG APPLICATION

- A motion was made by W. Stiles, seconded by Landis, to approve Resolution No. 10-2024, which authorizes Zeigler to apply for funding through the York County Community Development Block Grant (CDBG) program to fund a curb and sidewalk replacement project on the south side of Church Street, between Main Street and Mason Avenue. The authorization was approved at the January 2024 meeting, but not in resolution form, which is required by the York County Planning Commission. The motion carried unanimously.

▪ PROPOSED PLAYGROUND AT RAIL TRAIL CHURCH STREET PARKING LOT

- Brandon Brenneman presented Council with a conceptual plan for a playground at the Rail Trail Church Street parking lot. He noted that this potential project is in its infancy and that the estimates are a guesstimate. The pricing was based upon information that Mike Fobs, York County Parks Director, shared with Brenneman and was from pricing that Fobs had gathered for other park locations. Play equipment is estimated to cost about \$125,000. While volunteers will be utilized as much as possible, there will be the cost for the play equipment, some professional services/equipment rental (such as preparing the concrete foundation, etc.), as well as the "wood carpet" (mulch) designed for playgrounds. There will be a need for an engineering plan. Total estimated cost for the project is \$160,000. Brenneman explained that there is more work to be completed in design and cost estimating before moving forward with grant requests, etc. There was a period of discussion on various grant opportunities, both government and private. A motion was made by Ferree, seconded by Kinard, authorizing Zeigler to prepare and send a letter to Fobs indicating that the Borough supports this project and will assist where possible.

NEW BUSINESS

▪ ARC OF YORK COUNTY RAIL TRAIL 10-MILER RUN

- Motion by Landis, seconded by Ferree, and unanimously carried to approve the use of Borough streets on August 24, 2024 for The Arc of York County's Rail Trail 10-Miler Run.

FINANCIAL REPORT

▪ JANUARY 2024

- Motion by W. Stiles, second by Ferree, and unanimously carried to approve, accept, and file the financial reports for audit, and to authorize the Treasurer to pay regular bills.

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REPORTS

▪ **SECRETARY'S REPORT**

- Zeigler requested approval to attend the PA State Association of Boroughs Annual Conference on June 3 & 4, 2024, in Hershy, PA, at a total cost of \$200. A motion was made by Landis, seconded by Ferree, and unanimously carried, to authorize Zeigler to attend the conference, as requested. Bahn will be attending as a member of the Board of Directors of the Association, which is at no cost to the Borough. Mayor Wagner will be attending as well, as a first-time attendee, through a conference grant so there will not be any cost to the Borough for his attendance.

▪ **MAYOR'S REPORT**

- Wagner stated that in response to concerns about trash collection raised at previous meetings he has since been trying to reach out to independent haulers to see what they can offer in services, and if they would be interested in a future municipal contract.
- Wagner informed everyone that the Trail Towns Program is working on signage for each trail head within each Borough. The sign boards will be updated and interactive for each specific Borough. The plan is for installation to be completed by late summer/early fall 2024.

▪ **LIEN COLLECTION REPORT**

- There remain three (3) outstanding liens.

▪ **YCSTSA REPORT**

- There remain six (6) EDUs available.

▪ **COUNCIL COMMENTS**

- Kinard acknowledged the issue raised earlier in the meeting regarding the narrowness of Cherry Street. He inquired whether the full right-of-way was improved for the street. President Stiles asked about the parking spaces and noted that years ago many of the Cherry Street residents parking in the former sewing factory parking lot and not on the street.
- Ferree passed along complaints that she received alleging that Oak Street was not snow plowed. Kinard responded that Park Street and Oak Street were plowed. She also stated that she heard from a resident on Maple Street about plowing on that street. Zeigler commented that he heard nothing about either street, and that Bonas lives on Maple Street and he did not hear anything from him.
- Ferree asked Solicitor Craley if she could make a motion, or any other way, to remove the \$600 fine and 30 days jail time from the ordinances. Solicitor Craley responded that the penalties are established through enabling legislation by the state legislature. He reiterated what he explained under the Zoning/UCC/Codes Report (above). The maximum fines are typically included in a court filing, but rarely does any judge impose the maximum fine on a first offense. Solicitor Craley restated that the Borough Council and Zeigler's (as zoning officer) first goal is always compliance before fines. However, the higher fines are an incentive for compliance and he believes that is good for the Borough.
- W. Stiles reported to Council that he attended the Spring Grove Area School District's intergovernmental breakfast last week and that it was well attended with 46 people present, including local government officials, state representatives, Senator Kristin Phillips-Hill, and the YMCA and all the tenants of the YMCA building located on the school campus. Requests for bids to renovate the YMCA building are slated for late March-early April with construction starting in June of this year and opening in Spring 2025. President Stiles further commented that in addition to the current tenants, New Hope Ministries (a large food pantry), will also become an occupant of the building.
- President Stiles reported that Kate King, Director of the SGRPRC, has set a tentative date of Friday, May 5, 2024, for an outdoor movie in the Borough as an introduction to the commission and to introduce herself. He suggested a couple locations to her.

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- President Stiles noted that he reached out to LIT, the company that was originally selected to install the fiber optic line along the Rail Trail, for an update but that he has not had any response.

CLOSING PUBLIC COMMENT

- Jessica Valis, 22 Cherry Street
 - Valis commented that she walked to the meeting this evening and that it was dark when crossing over the Codorus Creek bridge, and she wanted to follow-up to see if there have been any decisions on additional street lighting. President Stiles noted that there has not been any further discussion since the cost estimate to upgrade the streetlights on either side was estimated at approximately \$3,000 each.
 - Valis also commented that the resident at 109 Main Street has a child that will begin kindergarten in the Fall, and asked if there was some sort of signage that could be placed regarding a bus stop. It was noted that this is a state highway. The mother, Kayla Royce, was present in the audience.
- John Neal, 96 Church Street
 - Neal stated that he was the Councilperson that Ferree was referring to earlier. He asked how many were in violation at this time. Zeigler reported that there is one (1) related to the mailbox mounting (3 Church Street), but that the 36” sidewalk clearance inspections still need to be conducted.
- Brandon Breneman, 81 Main Street
 - Breneman asked whether the contractor who removes snow from sidewalks (due to a violation) takes it upon himself to perform the work or if the Borough notifies the contractor. Zeigler responded that he contacts the request to the contractor. Breneman said he did not know if it was a liability issue, but that he would like to volunteer his services to clear sidewalks that are in violation. He asked if the Borough could let him know of any violations.
 - Breneman raised his concern with fines/penalties for ordinance violations. He stated for the record, as a Borough resident, that he opposes criminal action for any violation; that is his opinion. Solicitor Craley again reiterated what was discussed earlier in the meeting. He stated that in a Borough, under state statute, civil enforcement can be done primarily only for zoning and land use matters. All other matters requiring enforcement must be treated as non-traffic summary citation (criminal matter). Solicitor Craley commented that is the law, whether we agree with it or not. He noted to Breneman, that while he made it known that he does not agree with it, the Borough is obligated to follow the laws of the Commonwealth. He also reiterated that first and foremost, the goal is to achieve compliance, and that enforcement through the courts is a last resort. President Stiles added that the Borough now has a grant, after 11 years, to replace segments of the sidewalk along the south side of Church Street with the use of federal dollars, and one of the grant requirements is that the new sidewalk meet federal ADA requirements. Ferree mentioned that some mailboxes appear to not meet the minimum 36” clearance for ADA. Zeigler commented that he received the same complaint and that the clearance inspection still needs to be conducted.
- Jessica Valis, 22 Cherry Street
 - Valis followed up on the school bus matter by citing that pedestrian accidents are on the increase due to drivers using cell phones and other handheld devices.
- Sharon Dillon, 50 Church Street
 - Dillon commented that she drives for a school bus company and that they make every attempt to establish the bus stop so that no child needs to cross a street, but that it cannot always be accomplished.
- Shawn Snyder, 59 Main Street
 - Snyder suggested that the Borough cut down the tree at 25 Cherry Street at the Borough’s expense.
 - Snyder raised the mailbox complaint filed in District Court, which has since been withdrawn because he brought the violation into compliance, and he asked what he did to make it complaint. Zeigler responded saying that he (Zeigler) has extended numerous requests to Snyder to meet with him to discuss his violations, but that Snyder refuses saying he has no time to meet, and that he (Zeigler) will not discuss the violations during a Borough Council meeting, but that he would be happy to meet and discuss that matters at a later time if Snyder wished to do so. Snyder continued to make allegations that Zeigler has a vendetta against him because he (Snyder) ran for Borough Council and that he (Snyder) would going to possibly remove Zeigler from his position. Snyder also alleged that Zeigler was harassing him and that he would like it to stop. Snyder also made reference to permits for expanding his parking lot and for erecting business signs, and that he is not operating a business from his home. Zeigler responded saying that a formal violation notice was mailed to him outlining the violation and the procedure to either come into compliance or to file an appeal to the notice.

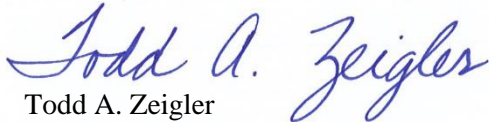
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- Snyder asked if a zoning permit refund check was mailed to him along with the others. Zeigler stated that it was, and that it was on the bill list as being released. Snyder stated that he has not received his check and asked that it be investigated. Zeigler said he will but that he will not reissue a check at this time to allow the mail to be delivered.

ADJOURNMENT

- The meeting was adjourned at 8:07 p.m. by President Stiles. The next Council meeting will be held on Monday, March 4, 2024, at 7:00 p.m., at 11 Main Street, Seven Valleys.

Respectfully submitted,



Todd A. Zeigler
Assistant Secretary