

TOWN OF SUDLERSVILLE
Commissioners Minutes
April 3, 2019

Present: President Ronald Ford
Commissioner David Ruffner
Commissioner Carrie Comegys
Commissioner Larry Leonard

Town Manager: Jo Manning

Attendance: Don Reed of MES, Chris Stant, Brenda Stant, Faye Williams, Bill Faust, Sue Elter, Reese Coleman, Monica Stant, Bill Comegys, Peter Bourne, Thomas Yeager, Clifford Quinn, and Kristina Hyland

Meeting was called to order at 6:30 pm. Pledge of Allegiance was recited.

Minutes from March 6, 2019 meeting: Ruffner entered a motion to approve the minutes from the March 6, 2019 meeting, Comegys seconded the motion., a vote of 4-0 was entered.

Fire Company Report: President Faust updated the Commission on the laundromat project; it is to open in about a month with a grand opening possibly in June.

Sheriff: No Report

Library Report: Included in packet

MES Report: Don Reed stated no violations at the WP or WWTP. The pinch valve not working, a quote for repair was sent to town for approval. Flushing of hydrants will occur April 25th and 26th. The annual toxicity paperwork was submitted to the State as per our permit, the Town passed.

Engineering Report: No new information with regards to the WWTP litigation and the Barclay project. As stated at the previous meeting, the water meter from 408 S Church Street was sent to a third-party calibration company, the results show the meter is functioning at 100% accuracy. Bourne reviewed previously usage for this property and noticed a spike in usage one quarter in 2016 and one quarter in 2018; other usage is consistent. He reemphasized the Town is not responsible for what occurs past the meter. Faye Williams asked for the cost to test the meter. Manning explained the cost for calibration was \$88; but the Town's fee schedule approves a fee of \$75 to be charged to the property owner; therefore the Town lost money. The \$88 fee does not include MES' time to remove and replace the meter nor the postage to ship.

Manning updated everyone on the WWTP litigation; the paperwork regarding an injunction filed on behalf of Wickersham is in the Judge's hands.

Planning Commission: Chair Elter reported the commission elected officers; she is Chair and Reese Coleman is Vice-Chair. We discussed the resignation of Brenda Stant and the current vacancy. The Commission also discussed Mr. Marshall's issue and stated the Planning Commission has no jurisdiction over the Marshall issue; a letter was sent to Mr. Marshall with the PC's response.

Town Manager's Report: Manning reviewed her report. She visited the meat locker to follow up on a complaint regarding a residential apartment on-site. No apartment or living quarters were found. Manning introduced the budget; a public hearing will be held in May.

Action Items: Banker/Attorney C Quinn presented information on his thoughts of the future of the Town's surplus property. Mr. Quinn is interested in the possibility of purchasing this property for future development. There was discussion over the removal of an easement from Route 313, as was previously approved with BDC's subdivision. Town Attorney Yeager explained when the sale of the property on which this easement was located was finalized, the easement became null and void. Yeager further explained once the surplus property is purchased, the Planning Commission will work with the developer to develop a Developer's Rights and Responsibilities which will address all easements, utility connections, design, etc. Much to the dismay of some of the public, Yeager explained there was not a recorded easement in the Court Records.

Attorney Yeager reviewed the proposed ordinance amendment for the water ordinance. The amendment is to address the issue of property owners utilizing their wells instead of the public water system which violates our contract with USDA funding. This amendment would allow for charging of sewer usage based on a previous 12-month calculation. It will further allow the property to be sent to tax sale if payments are not made to the Town. Ford asked if the residents found in violation of the ordinance could be charged with theft of services. Yeager stated this would need to be addressed with the States Attorney if the Town would like to prosecute. During the discussion of the amendment, Commission Leonard admitted his well is connected to the coffee machine, steam table, icemaker, and water fountain. Leonard continued to state he is leaving his well hooked up and that the Town can fine him if they want. The Commission agreed to not introduce the amendment until further investigation is done on the issue of well usage, the contract for USDA funding, etc.

Public Comment: Brenda Stant showed Attorney Yeager the letter she received from the Town regarding the use of her well versus the public water system. Mrs. Stant shared the report shows she did not use water in November, which is not correct as she uses water every day. Mrs. Stant stated the water is horrible, smells like chlorine, and explained that at the previous meeting she brought a sample of water but no one agreed to taste it. MES Don Reed explained our chlorine level is approximately 1 part per million which is lower than the State's standards of 4 parts per million; he stated he thinks the Town people are just not used to a chlorinated system. Chris Stant continued to complain stating no one on the Commission or in the Town office cares. Mr. Stant became very indignant as Mr. Bourne explained how the meters worked and that the one sent for calibration was not reading incorrectly. Bourne suggested MES read the meter daily at 408 S Church Street, as well as two other properties to compare with the readings through the software. Ruffner reminded everyone that some houses were connected to the system but were not inspected to assure back flow preventors were installed and that lines to outside spigots were disconnected from household use. Faust asked who would pay attorney fees if the Town were to take someone to court for use of their well; Attorney Yeager stated each person would pay for their own attorney. Ruffner asked if the Town could inspect properties to assure the back flow preventors and connections are correct; Yeager stated the Town does not have the right to go on private property. Yeager emphasized this is why this water ordinance is important; it will allow the Town address issues as they occur. Yeager explained the Town needs a mechanism in place to capture sewer charges when a property owner is using their well. A fine of \$100 is not adequate to replace the cost of processing the sewage and administration costs Yeager emphasized. It was agreed by the Commissioners to do more research, redraft, and repropose an amendment.

Mrs. Williams asked if monthly billing has helped with cash flow. President Ford stated there has been a positive change to cash flows and bills are being addressed due to the monthly billing. Manning stressed it has been beneficial to the Town. Williams asked if the minutes and the budget were posted on the website yet. Patterson stated the website is being updated regularly and the budget will be posted by the first of next week.

At 8:25 with no further business to discuss Ruffner entered a motion to adjourn the meeting, Comegys seconded the motion, a vote of 4-0 was entered.

Respectfully submitted,

Maggie Patterson
Town Clerk