

MINUTES OF THE COMMITTEE MEETING  
OF THE EAST PETERSBURG BOROUGH COUNCIL

<b>DATE AND TIME:</b>	January 27, 2022	6:00 p.m.
<b>LOCATION:</b>	Community Center	6051 Pine Street
<b>ATTENDANCE:</b>	Council Members:	Debra Miller, President John Schick, Vice-President Adam Gochnauer, Pro Tem John Herr (Absent) Lauren Houck Randy Rannels Sandra Valdez Mayor: James Malone Borough Manager: Karen St. Clair Public Works Foreman: Jeff Moseman (Absent)

**Meeting was called to order:** 6:00 p.m.

**Pledge to Flag**

**Visitors:** Josh Roberts, Tammy Moseman, James Swarr, Mark Huber, Kim Kirchner, Shauna Suppler, Shanean Wickersham  
James Swarr and Josh Roberts were recording the meeting.

**Public Comments:** None

**I. Agenda Items for DISCUSSION ONLY:**

**1. Mark Huber: Lancaster County Planning Dept: Water & sewer capacity study GIS data sharing:**

Mr. Huber asked for support for the Lancaster County metropolitan proposed water and sewer capacity project. It is a comprehensive plan gathering water and sewer infrastructure data. As they collected this data, they realized they had a lot of the infrastructure data already, but they are lacking in capacity information. He explained this information is important for growth planning and for working on regional comprehensive plans. The capacity information is used for determining where growth can be accommodated. Due to this lack of information, they have set up this project with a team through the LCPD, County GIS, and authorizing regional municipalities. They have hired Rettew as the engineer for this project. They are hoping to house all the data collected through ARC GIS and have online tools accessible to project partners. Access will be limited due to data security. Timeline – phase 1 is completed in terms of data inventory being added to the online tool. Rettew has met with most of the water and sewer providers in the area and 9 out of 12 have agreed to participate. They feel this will benefit the county and borough in terms of future planning and to collaborate and increase communication. They are not seeking funding just asking for Jeff Moseman to sit down with consultant and review just the water system, which would take approximately 1 hour. Total cost for this project is 57,000.00 which is being funded by economic development and county planning. They do currently have GIS data, but need to sit down and go over it for any updates or system constraints and gaps being targeted for future projects. This would be added into the GIS tool. LASA is signed on to this. Security measures have been taken into consideration. ARC GIS online is on a secure server, and it would only be key personnel with varying levels of access. Passwords would be needed to gain access. Mr. Huber said that this information will not be given to developers. Council asked who would be liable for data not being shared properly if the county is held harmless? Mr. Huber said there is no recourse for this that he is aware of. The data sharing agreement lays out that this should not be shared with anyone outside of the project, but there is no consequence listed for breach of that. Mr. Huber said they are relying on there being a level of trust, but users would have access to everyone's data. East Lampeter and West Hempfield said they will not be participating in this project. The project is expected to be finished by the end of this year, but they would welcome participation at any time from the Borough. Mr. Huber said he feels it will benefit the borough because it is more convenient and has extra layers of planning data that they have added. Manager St. Clair pointed out that the Borough currently has GIS database on the Borough's server with detailed information. It is

on ARC GIS and S datum and as changes occur it is updated, and it is very detailed. Mr. Huber said they would at least like to confirm the information they have is correct and current and to look at identifying constraints e.g., bottleneck or gap in the system to address in the future. Mr. Huber said that this information will not be given to developers. Council said they will discuss this and get back to him.

**2. Kim Kirchner**

Ms. Kirchner shared information with Council on the Living Urn. Ms. Kirchner said the tree is small, but it is an actual rooted tree, and the family would take care of watering the tree. Ms. Kirchner said if this happens, it would be in the Spring. Ms. Kirchner said that Lancaster County Park and Muddy Run Park both allow the Living Urns, but Lancaster County Park is currently full and not accepting anymore. Council thanked her for all the detailed information and said they will be discussing this later in the meeting and will get back to her with their decision.

**3. HYA Baseball – Request for Improvements to the Tom Herr field**

Brian Biggs requested to extend fencing farther down the first base side to help shield the parking lot and would also like some space to use for pitch lanes for both home and away teams. There has been delay with meeting with the contractor therefore he does not have measurements yet. HYA plans to cover the costs of the improvements. Council would like Mr. Biggs to come to a meeting with a drawing and more detailed information before making any decisions on this.

**4. Draft Agreement with Events Committee for shed, storage room, and concession stand**

A standard agreement was put together for the Events Committee for use of the shed, storage room and concession stand. Manager St. Clair explained when the Bulldogs dissolved, they were in default of their agreement, so the Borough acquired 2 of the sheds. The Events Committee had interest in one of the sheds. This agreement says they will take care of the shed, storage room and concession stand. Council pointed out that the agreement refers to the civics grounds, but they have been calling that parcel the Community Park more often, so for consistency purposes maybe this should be changed. Amy Leonard, Borough Solicitor, said that the parcel number and address of the property is what matters most from a legal standpoint. Council also pointed out that the concession stand definitely needs upgrades for safety purposes and wondered if this could be added into the park grant. Manager St. Clair will check on this. Council said they would like Kristin Troop, Events Committee President, to come to the next Council meeting and let them know if they plan to use the concession stand and if so, will they use it as a cooking station or just sell packaged snacks. It was discussed that if they are cooking food to sell, regardless of where it is cooked, someone needs to be ServSafe certified, and permits are required. Amy Leonard said that this agreement could still work by limiting the use for the concession stand for now.

**5. COG meeting update / LIMC fee**

The Council of Governments has decided to meet just once per year unless a meeting is requested. LIMC fee was lowered from 500.00 to 350.00 for 2022.

**6. Online Borough Codes**

Manager St. Clair said the cost to do this is 695.00 payable to General Code for annual maintenance. They do not have a start up fee. The only other cost would be for LYLAB to put the link on our website which would only take 15 minutes of time.

We are thinking about putting this under department and services and add the link to the zoning page. The codification will be fully updated prior to putting the link online.

**7. Peddling and Soliciting Ordinance 298: request an amendment to specify times allowed**

A resident said that a solicitor came to his home on Martin Drive after dusk and was knocking on his door and looking in the window at his dog. NLCRPD did issue this person a soliciting permit, but the car he was using was different from what was registered under the license. An Ordinance would be needed to amend the times allowed for soliciting in the borough because our current solicitation ordinance does not restrict the times. It was questioned if the penalties are high enough. The solicitor said that the penalties are in line with what other municipalities are using. Josh Roberts asked if we could ban soliciting in the Borough? Amy Leonard said that there are certain categories of solicitation that are not allowed to be banned. NLCRPD is responsible for validating if it is a legitimate business and issue the permits accordingly. It was pointed out that permits are not required for businesses to distribute door hangers. Amy Leonard said ordinance no. 80 was passed to regulate solicitation in 1969, and then in 2018 a basic amendment was passed to change the fee, so most of the original ordinance is still in effect. She has since written an update to the ordinance, but it was never passed. Council agreed there should be specified times for soliciting in the Borough and it was pointed out that it could be limited to business hours.

**8. HAFSC update: Randy Rannels/ Tammy Moseman**

Tammy Moseman reported the following from the last meeting:

Report from fire chief was received.

Anticipating doing tours of the hospital in May-June.

Board will meet every other month and the committees will meet the opposite months. Meetings will be on Tuesdays.

Last meeting was held January 15, for re-organization and it went well. Scott Russel is new chairperson, Randy Rannels is the alternate, Karen St. Clair is treasurer, Diane Garber is secretary, Scott Wigglesworth and Ed Lefever are no longer on the board. Tom Bennett and Scott Russell have taken their spots.

Committees are split up as follows: Funding -Tammy Moseman & Tom Bennett, Apparatus - Randy Rannels & John Herr, Recruitment - Scott Russell

East Hempfield has not been able to run the new Pumper yet. It has been with Rohrerstown for a little while and East Petersburg has had it just to showcase. It will be rotated based on needs.

Mr. Rannels said East Hempfield did say that the new agreement is on the forefront, but it was not discussed by the Township yet. Ms. Moseman said the corrected minutes from September are not posted on the OneDrive, but they are posted on the township website. Ms. Moseman pointed out that township meetings are recorded and posted on YouTube, but the HAFSC meetings are not. She also pointed out that one of the documents posted on the OneDrive was marked as modified by Tom Bennet. She said she will check on this. Next meeting will be held on March 15. Josh Roberts said that he would have been at 1/25 HAFSC meeting if he would have known about it, but he did not see it posted on the township website. Ms. Moseman said the HAFSC board members didn't get notice until the week before the meeting. It was pointed out that public notice was posted in LNP on 12/21 for the January 15, 2022, HAFSC meeting.

**9. Hometown Hero Project update**

Manager St. Clair said that the cost of this project is \$6,200 and the East Petersburg Lions Club will campaign to raise funds to cover costs. The Lions Club said they will have no problem raising the full amount to cover the cost of the project. Planning on using existing poles and replacing banners that are currently hanging and covered under the PPL permit. Banners will be in place for 2-3 years or as long as possible. There are enough poles to hang 30 double sided banners for a total of 60 Heroes. Information on the Hometown Hero Project will be put on website and e-mailed out to residents. Council agreed on Banner No.1. There will be a meeting the first week in February with the Lions Club and James Swarr (the organizer of the Veterans Club in East Petersburg), to discuss how to get the word out further. This project is limited to veterans only. Deadline to submit is March 31<sup>st</sup>, and banners should be up by Memorial Day.

Lauren Houck's neighbor is the daughter of Clarence Ober who was the 1<sup>st</sup> police chief, constable, and fire policeman for East Petersburg Borough. He joined the fire co. in 1926 and then joined the newly founded Fire Police 3 years later. Mr. Ober died at age 88. He was not a veteran. James Swarr and Council agreed the Hometown Hero project is for Veterans only, but he could be honored some other way.

**10. Park/Playground update**

Manager St. Clair said that the grant opened up January 18, 2022, and will close on April 6, 2022. Robin Hemperly and Manager St. Clair met with the representative of DCNR in December 2021 and they walked the park with her, and she gave them some terrific ideas and a timetable of what they should be accomplishing between now and when the grant needs to be submitted. They are currently at the point that they are working on a site plan with the borough engineer. The plans must be submitted to Lori for review before they can be shown publicly, so she can make sure all the items have been addressed the way that the grant requires. It is required to meet with the borough engineer and to submit three different plans for consideration and only one of the three will be approved and submitted for the grant. The project can not be done in phases. DCNR wants to fund the entire project. Lori's recommendation was that they work with as many groups as possible whether it is for in-kind or cash donations. Right now, we are lucky to have both. They will put information about the public meeting on the website and they will ask Mr. Bucher to put the information on the East Petersburg Community Facebook page, and ask the Events Committee to put the information on their Facebook page, and work with S. Clyde weaver to put fliers in their store and also put an in-kind form on our website. An acceptable in-kind would be for volunteering time. We get points for including any ADA items, and recycled items like trash cans, benches, and ground cover. Robin will be working on letters of support to send to our state representatives. It was also recommended by Lori that we work towards a matching grant in the amount of \$150,000.00 and this can consist of cash donations, in-kind donations, and donations that are state approved. Lisa also said to work towards 75% of in-kind if we can reach that much. We apply April 6 and review will start April 7. We will be notified in the Fall if we are awarded the grant. The work will start in January 2023 and the contract will be sent out for review, adoption, and signatures, which will take us into the summer of 2023, and then the project work can start. The

final inspection will take place no later than the end of 2024. A Resolution is needed to authorize Manager St. Clair to sign the grant application, and this will be on the agenda at the next Council meeting. Cash donations will need to go into a separate account. It is not clear if this is a re-imbursement grant or not. We are not sure what the in-kind value is at this point in time. Manager St. Clair will check on these items.

**11. Review Accounts Payable 01/27/2022**

**12. 4Q21 Financial Review**

Manager St. Clair said this a summary of 2021.

General Fund Income:

The bulk of the revenue comes from: property taxes, Act 5 taxes, State revenue and department revenue.

Budgeted – 1,468,574.00

Actual – 1,489,695.00

Total revenue received as of 12/31/2021

Budgeted – 2,324,674.00

Actual – 2,569,062.00

General cash balance as of 12/31/2021 was 1,444,279.00 – this balance will get us through April or May. Our tax revenue is very low in 1<sup>st</sup> quarter and will not receive the bulk of it until May.

General Fund Expenses: Came in under budget.

Budgeted – 2,239,020.00

Actual – 1,948,291.00

These expenses include Administration, Buildings, Planning, Public safety, Streets, MS4, Parks, Insurance, Tax, Payroll, and Transfers.

General Fund Net Income: 620,771.00

Water Operating Revenue:

This consists of metered water, penalties, reconnect fees, hydrants, certification fees, sprinklers, misc. items.

Budgeted – 979,020.00

Actual – 1,002,434.00

Water Cash Balance as of 12/31/2021 was 483,797.00

Water Operating Expenses as of 12/31/2021: Came in under Budget

Budgeted – 889,650.00

Actual – 856,899.00

Trash Revenue as of 12/31/2021:

Budgeted – 468,920.00

Actual – 476,428.00

Trash Fund Expenses as of 12/31/2021:

Budgeted – 430,750.00

Slightly over budget by 5,666.00

Trash Fund net income – 40,012.00

Outstanding water/trash bills as of 12/31/2021:

120 days out 1,778.00; 90 days out 217.00; 60 days out 4,760.00; 30 days out there is a credit; current is 30,848.00

Street Sweeper Expenses for 2021: 21,943.00

Street Sweeper Revenue for 2021: 23,346.00

Net income: 1,403.00

There was an expensive part that needed to be replaced in the 4<sup>th</sup> quarter.

Council reviewed cash balance sheet for each account.

**13. Misc. Manager/Foreman/Council Items**

Mayor Malone

East Petersburg Veterans will be meeting Saturday, January 29, at Family Fare at 8:30 a.m. Lancaster Dispatch offered to do an info. tour if Council is interested. Mayor Malone will send out an e-mail with dates when he receives them.

#### Randy Rannels

Recently met with Don Schoenberger, Tom Enlow and Mark Cohen along with John Herr and Tammy Moseman to get an overview of the fire department and get more information on how things are set up, training requirements, and to look at the different equipment and apparatus they use. They will meet again in a few weeks to learn more about how the financing works.

Mr. Rannels said he will be attending a fire co. grant training session with John Kottmyer.

#### Sandra Valdez

Thanked the residents for electing her to be part of the Borough Council. Ms. Valdez said some people have asked, so she wanted to explain that the past six months she has not been able to attend the meetings because she has been helping her mother who was a victim of a car accident. Her brother has now come from Puerto Rico to assist with her mother during her recovery.

#### John Schick

Traffic signal at Miller and Rt. 72 is being reviewed by PennDot and we should be getting the ok from them in a week or two. After it is approved Mr. Schick will get signatures from Manager St. Clair and the Manager of East Hempfield and then coordinate with Jeff Moseman to solicit for bids. Even though the cost is being shared with East Hempfield the permit for the signal light is held by East Petersburg Borough.

The equipment that was taken at the square had some pixelated LED signals that can be used at Miller and Rt. 72. Hoping to have this finalized by the end of February and then we will be able to get this out on the street. Thanked James Swarr and Josh Roberts for helping with the traffic study that was needed to get left turn arrows installed, East and West on Miller. Manager St. Clair and Council thanked John Schick for all his help to get the light at State and Main and now at Miller and 72.

#### Lauren Houck

Recently noticed there were 2 speed monitors readers just before the quarry. Traffic seemed to be moving at a slower speed because of this.

Ms. Houck said recently kids were delayed from leaving school for 30 minutes due to a security concern and parents were not notified.

#### Debra Miller

Pointed out according to Roberts Rules of Order, it is not required for Council members to abstain from approving meeting minutes due to an absence, because they are still able to read the minutes and request corrections before voting to make the minutes the official record of the meeting. Amy Leonard, Borough Solicitor, said you are technically able to approve the minutes of a meeting even if you were not there. Council said they feel that it is hard to validate the minutes are accurate if they were not physically in attendance. It was agreed it should be left up to the individual council members to decide if they want to vote, or abstain from voting, based on what they are comfortable with.

#### Manager St. Clair

T-Mobile and Verizon want to update their cell towers on the borough's water tower. They currently have 6 antennas, and they are proposing to add 6 micro integrated antennas onto the existing antennas, also proposing to remove all 9 of the existing auxiliary units and replace them with 6 new upgraded models. Doug DeClerk will set up a pre-construction meeting and review the plans. Both T-Mobile and Verizon have escrow with the Borough, so Mr. DeClerk's fees will come out of that escrow in the amount of 4,500.00 for each one. He will review and certify everything.

Adam Marden can only attend every other Borough Council meeting because he has a meeting at W. Hempfield. Council said every other will be fine and if they have any questions, they know how to reach him.

There is an open position in the water department. If anyone is interested, please stop by the office and fill out an application, or submit a resume.

#### **14. Living Tree Discussion Continued**

The living tree will consist of ashes being mixed in with sapling in peat pots and then planted in the ground. Council expressed concern for a small sapling being planted because it might not grow successfully, and the Borough could be held liable. It was discussed that they should be responsible to care for tree until it is stable. It was pointed out that this might become more popular now that cemeteries are filling up. Some churches do provide for planting these trees in what is called a living garden. Lancaster City has an area designated for a living memorial garden and it is now full. This could be a good way to help replace the trees in the park that need

replacing. Jeff Moseman has a map of trees that need replaced. This is the first request the Borough has received for this. It was agreed that the tree would need to fit in with the Borough's landscape, and the type of tree and where they put it would have to be approved. For now, Council will continue to handle memorial requests on a case-by-case basis.

Council is ok with Kim Kirchner's request if she goes with Option 2 on the form that was presented to Council. This option states they buy their own tree and plant it locally. Ms. Kirchner can contact Jeff Moseman and he will be able to help her with what kind of tree and where it can be planted.

**15. Lancaster County Planning Dept: Water & sewer capacity study GIS data sharing Discussion Continued:**

Mayor Malone said this information is structured and certified, therefore if you sign that agreement, you are legally bound to those government penalties. It is the reason you have the disclosure forms when your hosting detail like this. This is also why they wouldn't allow downloads and extractions from the data.

John Schick said that in his work as an engineer, they have a hard time getting these kinds of plans.

Council agreed it wasn't clear what they were doing with the data except for collecting it, so what is the value of it. Council also said they would like to hear from Jeff Moseman about this. It was decided they will not do anything with this right now.

**16. Fire Company Financials & 2021 Fire Report – for review only**

**II. Agenda Items for ACTION**

**1. October 2021 Committee Meeting Minutes**

*It was moved and seconded (A. Gochnauer / J. Schick) with 5-1 Approval by the Board, to Approve the October 28 ,2021, Committee Meeting Minutes, S. Valdez abstained because he was not at the meeting*

**2. Review/Approve Resolution 830, Amending Resolution 827 to add Tammy Moseman to HAFSC**

*It was moved and seconded (A. Gochnauer / S. Valdez) with unanimous Approval by the Board, to Approve Resolution 830, adding Tammy Moseman as the Citizen at Large to the Hempfield Area Fire Service Commission*

**3. Review/Approve Resolution 831, Amending Resolution 829 - add HARC to the list of boards & Debra Miller**

Manager St. Clair explained that the Vacancy Board Chairman position is still open, and Steven Shenk has said he would take on this position again. There has been no other interest in this position.

*It was moved and seconded (A. Gochnauer / R. Rannels) with unanimous Approval by the Board, to Approve Resolution 831, adding Debra Miller as the Hempfield Area Rec Representative and Steven Shenk as the Vacancy Board Chairman*

**4. Review/Approve: Property Damage Claim release against JCBH Transport (Kasper accident)**

Manager St. Clair explained that she has received a claims release from JCBH Transports attorney that was for property damage that we had from the tragic accident in May 2021. Amy Leonard, Borough Solicitor, and the insurance adjuster both reviewed the release, and they are fine with it. The amount of property damage was 834.61 to replace the back plates on the traffic signal and sign. The recommendation is to approve the property damage claim release.

*It was moved and seconded (L. Houck / J. Schick) with unanimous Approval by the Board, to Approve the property damage claim release from JCBH Transport for property damage in the amount of 834.61*

Amy Leonard, Borough Solicitor, explained that this is part of the overall settlement of the claim, so basically anybody that had property damage as a result of the claim was asked to submit that claim as part of the overall settlement from the auto transport company and since we had a specific property damage claim that was submitted for settlement. The release is only related to a property damage claim. Josh Robert asked if this means we are releasing them from having to pay that money. Amy Leonard explained that the Borough will accept payment in the amount of 834.61 as a release of property damage claim against the trucking company.

Mr. Roberts said, so this is not related to the investigation with the police as far as at fault. Amy Leonard said that is correct.

**III. Extra Items: Issues arising in the last 24 hours:** None

**IV. Regular Committee meeting Adjournment:** 8:46 p.m.

**V. Executive Session for personnel issues:** 8:52 p.m. – 9:45 p.m.

**Next Meeting:** Tuesday, February 1, 2022, Council Meeting & Thursday, February 24, 2022, Committee Meeting

Respectfully Submitted,  
Kim Strayer, Recording Secretary

**MINUTES OF THE COMMITTEE MEETING  
OF THE EAST PETERSBURG BOROUGH COUNCIL**

<b>DATE AND TIME:</b>	February 24, 2022	6:00 p.m.
<b>LOCATION:</b>	Community Center	6051 Pine Street
<b>ATTENDANCE:</b>	Council Members:	Debra Miller, President John Schick, Vice-President (Absent) Adam Gochnauer, Pro Tem John Herr Lauren Houck Randy Rannels Sandra Valdez James Malone Mayor: Borough Manager: Public Works Foreman: Borough Solicitor:

**Meeting was called to order:** 6:00 p.m.

**Pledge to Flag**

**Visitors:** James Swarr, Tammy Moseman, Curt Kosko, Brian Biggs, Eli Cox  
James Swarr was recording the meeting.

**Public Comments:** None

**I. Agenda Items for DISCUSSION ONLY:**

**1. HYA Baseball Committee – Improvements to the Tom Herr field**

Brian Biggs explained they have done walk throughs with a contractor at each of the 11 fields that they use in different municipalities, including the one in East Petersburg Borough at the Community Park. They were looking at ways they can improve the fields from a safety perspective and make the fields as nice as they can. They reviewed the rough sketch drawings from the contractor.

HYA has raised funds for the upgrades through a fundraising campaign and is expecting the estimate from the contractor to be in tomorrow. They will then determine if they have enough funds to move forward with these improvements. They have not been able to use the parking spaces at the field during games and practices because any line drive ball that goes foul, or an overthrow at third base is likely to hit a car. They are proposing to extend the chain link fencing an additional 30 feet near first baseline and raise the fence by 6ft. with a mesh that would possibly be on removable poles. People have been parking in the cemetery, on the street, and behind houses to avoid parking in the parking lot because they do not want their cars to get hit. HYA plans to have 10-12 games starting April 11 through the 2<sup>nd</sup> or 3<sup>rd</sup> week of July, and then back again in the Fall. Over the years there have been times they needed to use the field for two teams which would double the number of games. Council asked if the fencing would impede with the cars getting onto the field for the car show, but it did not appear to be a factor. Council asked if they would collapse the net fencing after each game or at the end of the season. Mr. Biggs said it would depend on the material of the fencing and explained that the netting can be very expensive, so they are hoping PA Classics will donate their old netting to them. He also said the poles will be long enough to hold the netting in place even on very windy days. Mr. Biggs said if this is important to Council, they can plan this and let the coaches know. They would like to install two pitching lanes; 4ft wide x 6ft long, framed in with railroad ties. They explained that this is not as much a necessity as the fencing and benches are, but the fields they are playing on are very plain. By adding some of the extras at some of the different fields they play at, such as pitching lanes, dug outs, home run fencing, it would introduce the 14-U players to all these things from the beginning to the end of the season. Council said the best spot for the lanes would be on the trail side of the field farther down 3<sup>rd</sup> base. Council said they would like to see the plans. Mr. Biggs said when they receive the estimate from the contractor, they will know what they will be able to afford to do and they will share this information with Council along with the plans. Council said they will discuss this further and let him know. Council



pointed out the final submit date to Manager St. Clair would be March 17 to allow Council a week to review it and then talk about it at the March 24 meeting; it will then be put on the agenda for the April 5 Council meeting to vote for approval.

## **2. Curt Kosko: Shentel Communications**

Mr. Kosko shared information with Council and pointed out the following:

Shentel Communications is based out of VA and was originally called Shenandoah Telephone. It is a small company and has been around for 120 years. They build advanced networks and are known to have good customer service and like to partner with communities. Mr. Kosko is the representative for government affairs in PA. They are currently signed with six municipalities in Lancaster County: Lancaster Twp., Manheim twp., E. Lampeter, W. Lampeter, Manheim Borough, East Hempfield and they are working on getting more. They have 860 employees and 241 million in annual revenues. They do a fiber to the home. The name of their product is glo fiber. They are fully funded and currently have 7,000 miles of fiber scattered around four states. Shentel was a wireless phone provider for Sprint, but when T-Mobile bought Sprint, part of the deal was that Shentel had to get out of the business. This is why they have enough of the fiber network already there. They are working on expanding to Maryland and Delaware. Shentel Communications prefers to work with small communities and rural areas. They use 100% of fiber from point A to point B this helps to eliminate power outages. Their speed is symmetrical, so if you order 330 mb you get that speed to upload and download. This service is like FIOS. They attach to the existing utilities in your area. If Council agrees it would take up to 2 years after the Franchise Agreement would be signed. Their pricing is competitive with Comcast. This would allow the residential and business customers to have a choice. They do participate in e-bate work for school districts. They currently work with the Cohen Law Group and are willing to pay for the cost for the municipalities that go through them. The Cohen Law Group specializes in franchise negotiations, and they would represent the Borough. Council would have to decide if they would want the Cohen Group to represent them or not. It is beneficial for Shentel if the Borough chooses to go through Cohen Law Group because it keeps the process moving forward faster. The Agreement is like the one the Borough has with Comcast. If Borough approves this, they will start the Franchise process, then work on permitting and go through the engineering process. It would take 30-60 days for the franchising agreement due to advertising. Council said they will discuss this and let him know.

## **3. HAFSC update: Next meeting March 15. No Update.**

Tammy Moseman reported:

The committees had their meetings, and they went very well, and she thought it was a very progressive meeting. Finance Committee reviewed budgets from all three fire departments. Capital improvements had a little bit of a hit. They discussed sharing funds and she pointed out that East Petersburg is not going to do this at this point. There is a grant out there they are looking to start with and at this point this would be shared with all three departments. They also discussed combining funds that are raised through the mailer fundraisers. East Hempfield raised approx. 60,000.00 and East Petersburg raised approx. 15,000.00. It would be shared by zip code. Diane Garber put this information on the OneDrive. Ms. Moseman will check on why the one document shared on OneDrive says modified by Tom Bennett. Ms. Moseman said she thinks it might have been because this document is very large and he had to condense it down to print it, and she pointed out that this happened to her one time with another document.

Randy Rannels reported:

East Petersburg Borough does not have official representation on the recruitment and retention committee, so he asked that John Herr be put on the committee, and he was told no without explanation. Mr. Rannels said he is going to insist that John Herr be on this committee, so East Petersburg has representation on each of the committees. John Herr said that it was informally agreed on at the January meeting that he would be on the retention and recruitment committee, but this was not put into the minutes. Randy Rannels said that he sat in on all three committee meetings that night. The discussion at the recruitment and retention committee meeting was centered around Rohrerstown and the problems they are having. They have a live-in program and have lost three firefighters in three weeks. They are now struggling with calls because of this. They do have a volunteer program, but they often get left behind because the live-ins are there to answer the calls, so they end up leaving before the volunteers arrive to the station. This can cause volunteers to lose interest and stop showing up for the calls. They discussed the current LOSAP (Length of Service Award Program) which is normally a 20 or 30-year program, and this is too long. Younger volunteers do not want to wait 30 years to receive funds. They are looking into a 5 or 10-year program for this. Also discussed offering health insurance option incentives.

Apparatus committee discussed in detail the replacement of equipment and apparatus. There is a national buyer organization that specifies apparatus retirement timeframes. The insurance companies will raise rates on front line apparatus if they are kept in use longer than they should be. They discussed that Hempfield Area Fire Service is a regional fire department operating with three fire departments working together under this banner of HAFS, and this could change the needs of equipment in the future. It has been discussed that East Petersburg could become the heavy rescue station and Rohrerstown the ladder station. It was discussed that under the regional

group, especially with the new hospital, two ladder trucks would still be needed, but the fire stations would have to determine who has them. Manheim Tsp. fire chief contacted John Kottmyer to meet and chat, but Chief Kottmyer does not know what they want to talk about yet. Manheim Tsp. has all paid firefighters with no volunteers. They currently have two fire stations, one of them just opened near Bent Creek. Tammy Moseman asked Randy Rannels if there is any new information or discussions about the contract yet. Randy said no.

**4. 2022 update to Trick or Treat policy through LIMC**

Manager St. Clair said at the February LIMC meeting they discussed Trick-or-Treat and how it was a problem with the bad weather in recent years. They discussed the following options: having no Trick-or-Treat at all, holding it on Oct. 31, or letting municipalities decide their own dates. At the end of the meeting a resolution was passed by LIMC to hold Trick-or-Treat on October 31 from 6-8pm, rain or shine. LIMC did ask for support from all the municipalities for this. Manager St. Clair said she is Ok with having it on October 31, but her recommendation is it should be with the option to provide a rain date if there is inclement weather. Council agreed to hold Trick-or-Treat on October 31 with a rain date of November 1.

**5. Update to Fee Schedule**

The fee for the community center "for profit" organizations will be set at 40.00 for 2 hours.

The fee to use park grounds for fitness classes, etc. will change from a weekly fee to a daily fee to keep it fair: the amount will be 10.00 per day.

The Borough's cost for the Kraft yard waste/leaf bags has increased, therefore the fee will need to change to .55 to cover the cost incurred. Residents can still purchase bags at hardware stores, etc.

**6. Hometown Hero Project update**

Manager St. Clair said Mad Chef will be donating \$1.00 for each F18 beer sold, towards the HH project. Mad Chef has pledged a minimum of \$1,000.00. They also have a donation bucket available.

To date, donations have been received from businesses and residents in the amount of \$5,574.00 towards the project. We only need \$726.00 to meet the funding. There are currently 34 applicants. There is space available for 60 banners and they all must be submitted by March 31. Council will need to decide what to do if they do not receive 60 applicants. One option would be to put American flags in between. The cost of the banner project is slightly over \$6,000.00. It was pointed out if the amount of donations would exceed the cost, the extra funds donated would go towards maintenance costs and towards the next set of banners in 2-3 years.

**7. Lemon Street phase III update**

Bids were closed last Tuesday for the Lemon Street phase III project. Doli Construction Corp. was the lowest bidder in the amount of \$266,825.00. At the Council meeting on Tuesday, Council will vote to accept the bid and to allow ARRO to proceed to award the job to Doli Construction, and then the agreement process can begin.

**8. Borough Manager Job Description Ordinance**

Changes needed to be made to the General Duty Section of the Job Description because the Borough Code provision has changed, and this is to stay consistent with the current codes. "The mayor may delegate to the borough manager any of the mayors non-legislative or non-judicial powers and duties" has been taken out.

The previous ordinance stated that the borough manager is in charge of the swimming pool, and this needed to be taken out.

**9. Update/Amendment to Peddling & Soliciting Ordinance**

Amy Leonard and Council reviewed the ordinance that she drafted. Ms. Leonard pointed out that the 1969 ordinance is not as modern as the one she drafted, but a lot of the content is the same. Ms. Leonard said that Council did review this ordinance several years ago, but it did not get passed; mainly because one of the changes was that all persons soliciting including, non-profit organizations, would need to go through the permitting process. It was discussed if everyone going door to door to solicit should have a permit including the non-profit organizations that are raising funds for charitable purposes. It was pointed out that it is an added layer of protection for residents to require everyone soliciting to have a permit. It was also pointed out that it might be too much to require a younger child to have a permit, so an age limit would be a good idea. If a child is under the age limit set, then the adult accompanying the child would need to have the permit. Ms. Leonard said that some municipalities have exempted all children, but Council can decide what is best for the Borough. One difference is the original ordinance says the application would go to the mayor, but the police have been handling the soliciting permit process and doing the background checks. The age limit and time frame were discussed. Council also discussed whether political canvassing for campaigning should have a permit. After much discussion, the majority agreed the changes to the ordinance should be:

- Everyone needs to have a permit to solicit whether they are knocking on a door or approaching someone that is outside at their residence.
- Age 14 and up need to be permitted.
- Age 13 and younger need to be with a permitted guardian.
- Timeframes for soliciting will be Monday through Saturday between the hours of 9:00 a.m. – 6:00 p.m. year-round to keep it consistent.
- It was pointed out that if a resident does not want solicitors at their home a sign stating “no soliciting” could be posted on their property. This is covered under the law.

Amy Leonard will make the changes and present another version to council at the next committee meeting.

#### **10. Codification Ordinance review**

This ordinance will allow for the codification of the update to the ordinances. This ordinance will be put on the March council meeting agenda for advertisement. The soonest this can be put online is after the approval of this ordinance at April's council meeting. This ordinance will need to be passed each time the codification is updated. A list of ordinances that have been added for the new codification is marked Appendix A.

#### **11. Riparian Buffer planting design**

Jeff Moseman said in September of 2021 he came to Council and talked to them about the Riparian Buffer that we could plant here in the Borough. He shared a diagram from his class and pointed out that this would be near the back side of Constitution Square close to the stream. They are proposing to put in a series of rows of trees. The trees will be spaced out to allow for mowing. They are proposing to put in 92 varieties of bushes that will later be used as live stake nursery plants, which can be snipped off from the plants and planted elsewhere. This will help build the sub-canopy after the trees are established. Twenty bushes will be planted along the stream which will provide a wildlife habitat. Lancaster City has ordered the trees and they will be paid for by the DCED grant they have received. Volunteer Planting Day is set for May 7, 2022, and May 14<sup>th</sup> is the rain date. They are hoping for 25-50 volunteers to help dig 173 holes and plant trees, etc. The member of the class Mr. Moseman attended are all going to volunteer and that is 10-15 volunteers. The Little Conestoga Watershed Alliance will have it posted on their Facebook page and website. It will be posted on our website also. Eventbrite is a good way to advertise this if needed.

#### **12. Enterprise: service connection relocation update**

The meter vault will be installed at the city interconnect as part of the SCADA Project. They are proposing to put a new meter pit in for Enterprise Rent-a-Car. It will save money to have it done while the contractor is already working there. They would like to dig up the line and tap into our side, so we have full control of that water. The estimated cost to relocate that meter pit is approximately \$4,500.00; labor \$2,200.00 and parts \$2,200.00 plus putting in a piece of concrete. This was not budgeted for, but the funds can come out of the \$25,000.00 that is budgeted to repair fire hydrants. The meter vault will be put in at the city interconnect by the end of March. Mr. Moseman said that the Lancaster City line comes in at the front yard at Keller Williams and right after the meter pit is where our service starts. We do not have any way of doing anything to that water until it goes through the city interconnect. This is the only customer we have before the city interconnect. Council agreed to proceed with this project.

#### **13. Pool shed update**

Jeff Moseman, Manager St. Clair, and Kevin Martin met with HARC to go over pre-season pool items. HARC said there are two sheds at the pool, and they are not using them, so they would like to donate them to a non-profit organization. The swim team owned one and the borough owns the other and it was pointed out that the swim team has disbanded, and we did not have a contract with them for the shed. Mr. Moseman said we could move the shed the borough owns to the shop area and use it to store the fuel tank and smaller weed trimmers. Mr. Moseman said that the shed the swim team was using is not in great shape, but the borough's shed is in good condition. It was suggested that the baseball team could use the shed if they want to. It was agreed the shed for the borough would be moved to the lower maintenance parking lot behind the trailers. Mr. Moseman said they will move the shed tomorrow.

Vending machine update:

If there is a place for one vending machine that is out of the way and where no one can break into it, then that is what they will do. Council does not want to be liable for the vending machine. HARC will incur any costs involved. Mindy has said that letting people bring their own food in to the pool has been working well.

#### **14. Accounts payable review**

No additions to the regular bills.

## **15. Misc. Manager/Foreman/Council Items**

### Manager St. Clair

State & Main St. project inspection was last week, and everything checked out. If anything goes wrong in the next 30 days Kuharchik will be responsible; after the 30 days the keys are turned over to the Borough.

S. Clyde Weaver donated \$10,000 to the Borough for park and playground upgrades. They are aware that Manager St. Clair and Robin Hemperly are working on a grant for the park. If the grant is awarded things will start to happen in Spring of 2023. In the meantime, S. Clyde Weaver would like to donate this \$10,000 towards improvements to happen this Spring. Manager St. Clair, Robin Hemperly, and the store manager of S. Clyde Weaver will meet to put together a package of what they would like to see there. Manager St. Clair is hoping to have this for Council to look at for the next meeting.

New sweeper agreement was received from Cocalico Township.

The new zoning officer, Collin Fox, along with Michael Bingham will be at next Tuesday's meeting for Council to meet him and ask any questions.

Manager St. Clair shared an e-mail asking if we can put information about Alzheimersupport.com on our website. Mayor Malone said that this is a for-profit company that places elder care. This group is asking us to help solicit for their company. Council said no to putting this on the website.

### Mayor Malone

Drug Task Force Update – Heather has been trying hard to clean the mess up, but we will not know for at least ten years if this is working. Mayor Malone said he does not see a benefit for municipalities continuing to support the Drug Task Force as it exists. Mayor Malone has spoke with Chief Steffen about this and he agrees. Chief Steffen told him that if we already have the money earmarked then we should use it for parks and recreation, or something that will directly benefit the community. Mayor Malone said his recommendation is to not pay the money to the Drug Task Force and use any allotted funds for our community. He said he would like to see the funds go towards reducing addiction, or crimes related to it in our municipality, but unfortunately there is not a resource for this at this time.

March 3<sup>rd</sup> 6:30 – 7:30 will be the tour for the 911 Center. He will send out an e-mail to the councilmembers about this.

Mayor Malone thanked Jeff Moseman and the rest of staff for helping clean up the items blowing around the borough from the high winds last Friday.

### Councilmember Herr

His neighbor has founded a non-profit devoted to finding real life solutions to deal with climate change and gave an online presentation to the membership of the Lancaster County Conservancy. Councilmember Herr asked if this could be put on the website. Jeff Moseman pointed out that we currently have a lot of information on the website at the MS4 tab for this. Council suggested his neighbor submit a request and they can look at this further.

### Councilmember Valdez

Attended new council member boot camp and they spoke a great deal about updating borough ordinances, as Amy Leonard, the Borough Solicitor has been talking about and addressing.

Recycling was missed on her block last week the day we had high winds. She did not call the office and is not sure if her neighbors did. Manager St. Clair said if this ever happens even if it is after hours, a message can be left, and someone will be sent to retrieve it the next business day.

### President Miller

Attended a webinar "How to be an effective Borough Council President" and it was very informative.

### Councilmember Gochnauer

He said there is big news coming next month and will need a good bit of Councils time.

## **16. Fire Company Financials & 2021 Fire Report – for review only**

## **II. Agenda Items for ACTION**

### **1. January 27, 2022, Committee Meeting Minutes**

*It was moved and seconded (A. Gochnauer / S. Valdez) with unanimous Approval by the Board, to Approve the January 27, 2022, Committee Meeting Minutes*

## **III. Extra Items: Issues arising in the last 24 hours: None**

**IV. Regular Committee Meeting Adjournment:** 8:55 p.m.

**V. Executive Session:** None

**Next Meeting:** Tuesday, March 1, 2022, Council Meeting & Thursday, March 24, 2022, Committee Meeting

Respectfully Submitted,  
Kim Strayer, Recording Secretary

MINUTES OF THE COMMITTEE MEETING  
OF THE EAST PETERSBURG BOROUGH COUNCIL

<b>DATE AND TIME:</b>	March 24, 2022	6:00 p.m.
<b>LOCATION:</b>	Community Center	6051 Pine Street
<b>ATTENDANCE:</b>	Council Members:	Debra Miller, President John Schick, Vice-President Adam Gochnauer, Pro Tem John Herr Lauren Houck Randy Rannels Sandra Valdez Mayor: Borough Manager: Supervisor: Borough Solicitor:

**Meeting was called to order:** 6:00 p.m.

**Pledge to Flag**

**Visitors:** James Swarr, Tammy Moseman, Josh Roberts  
James Swarr and Josh Roberts were recording the meeting.

**Public Comments:** Taken throughout meeting.

**I. Agenda Items for DISCUSSION ONLY:**

**1. Robin Hemperly/ Michael Bingham- Park/Playground Equipment**

Ms. Hemperly said she has been working on the DCNR grant for the last couple months, and when she got ¾ of the way through the application she met with Lori, the Representative for DCNR, and they went over the plans for the playground equipment replacement. She was told that DCNR needs to see in depth environmental information and access pads for handicap equipment and they wanted more stormwater BMP information. All plans must be ADA. Ms. Hemperly said that Council has to decide what they want to see in the park. It was pointed out that four years ago there was a plan done by Land Studies, but it was the cost of ½ of the boroughs total annual budget and it was determined that it was too costly, that is why they have chosen to focus on the central park area for now.

Ms. Hemperly said we are not ready to do a DCNR grant at this point especially with the small amount of money we are looking at spending, and timing is an issue. Weavers has donated money for park upgrades and would like the money to be used now. The DCNR grant requires that you follow the plan submitted and nothing can be added from the time you submit in April until they get back to you in December, and then there is paperwork to work through. She suggested instead of losing a whole summer that we use the money Weavers gave us this year and add a Gaga pit, spring jumpers and an ADA swing. Ms. Hemperly suggested a committee be formed to keep things moving along on the planning. When we do finally have a plan there are other grants for which we can apply.

Lauren Houck asked what we need to make it ADA. Mr. Bingham said he can easily put together an ADA plan connecting the parking lot to the swings and some of the work could even be done by staff. Access from the walking path could be added later possibly through a grant.

Mr. Bingham said DCNR grants are a lot of work but can be worth it for a large project. He said there is a threshold that makes it work it, otherwise you end up spending more than you get out of it. Mr. Bingham said engineer services do not have to be bid, we just have to submit approval.

Adam Gochnauer asked if we could use DCNR for the infrastructure items such as bathrooms, tennis courts, converting one of the courts to pickle ball, things that do not take a lot of planning and then we can use our budget money for playground equipment and do whatever we want. Mr. Gochnauer said the approximate costs could be: \$30,000.00 to refurbish tennis court, paving \$30,000, pavilion could be \$120,000.00. If we just include these items, it would be enough to make it worth our while. We could have Robin work on getting the infrastructure items through the grant. Ms. Hemperly agreed and said she would like to see Council work on getting a plan together. She would like to see mid-aged equipment added into the grant also. Costs will need to be determined.

Manager St. Clair and Council agreed to forming a committee with 2 councilmembers to start laying this out. This committee will include Lauren Houck, Sandra Valdez, and Robin Hemperly. They will begin with getting an approximate cost before starting engineering.

**2. Michael Bingham: TOA – Blasting activities**

A letter was sent to the Borough regarding an E&S violation for TOA and in that letter, it mentioned that TOA will be blasting. They did blast in Phase 2, but this is in East Hempfield, and we do not have any authority there. The wellhead protection ordinance suggests Zone 1, 2, and 3, does not have any blasting. TOA has submitted a letter proposing to blast in the borough during phase 3, Monday through Saturday from 7:00 a.m. until 5:30 p.m. TOA has received DEP approval. They are planning to put a seismic meter near the wellhead to make sure there is not any issues. TOA has received conditional approval for phase 3 over 90 days ago, and phase 3 plans have still not been recorded. Typically, 90 days are given to record the plans. Amy Leonard, Borough Solicitor, recommended the following: entering into an agreement with the contractor and engineer, a bond be posted, and inspections of the infrastructure be done before and after blasting. Mr. Moseman said he would like to see the bond amount be able to cover the well head, the DEP permitting, and the distribution pipe on Cottage Avenue. Mr. Moseman said that if a leak would occur, they would see a change in the levels through the 24-hour monitoring system. The SALDO states that all other borough requirements must be met before final approval of the plan is given. This will be looked into further for phase 3, by Amy Leonard and Michael Bingham.

**3. Review Quote from C.M. High: 72 & Miller Rd. traffic signal update project**

Manager St. Clair said after receiving the approval from PennDOT and the revised permit, we then received 3 quotes for this project and C.M. High was the lowest. The quote was sent to East Hempfield because this signal light is shared with them 50/50, and they were ok with the quote and awarding CM High the project. This will be voted on later in the meeting.

**4. Review Amendment for the Peddling & Soliciting Ordinance**

Council reviewed the updated ordinance with the changes that were discussed at the previous committee meeting. Law enforcement would have to enforce this ordinance and the fines would be determined by the District Justice. Amy Leonard will check on the fine amounts. With the amended ordinance everyone needs a permit if they participate in transient retail sales (anyone collecting money). Only transient retail sales can be regulated. The PA Borough Code does not allow religious and political representatives to be regulated. The Borough risks being sued if they regulate religious and political representatives. If a person soliciting does not have a permit to show even after a resident has asked to see it, the resident can call the non-emergency phone number to report them. Residents need to be diligent in reporting violators to the police, so repeaters can be dealt with. Ms. Leonard pointed out if they are just leaving materials at the door there is nothing that can be done. No Soliciting signs can be put up to deter solicitors from entering someone's property. The updated ordinance will require:

- Everyone involved in transient retail sales needs to have a permit to solicit whether they are knocking on a door or approaching someone that is outside at their residence.
- Age 18 and under are exempt from paying fees for taking orders for and delivering newspapers, candy, bakery products and the like, or those who are representing the Girl Scouts or Boy Scouts of America.
- Age 14 and up need to be permitted.
- Age 13 and younger need to be with a permitted guardian.
- Timeframes for soliciting will be Monday through Saturday between the hours of 9:00 a.m. – 6:00 p.m. year-round to keep it consistent, except for legal holidays.

Council agreed that they did not want to regulate food truck at this time. If it would become an issue they will look into it further, but for now it is not a problem. Ms. Leonard said that food trucks would need to be regulated separately.

Council said they were ok with the revisions. Manager St. Clair said this will be put on the agenda to approve advertising at the next council meeting.

**5. Review Amendment to the EPB Employee Harassment Policy**

President Miller asked Manager St. Clair to review this policy and it was found that the current policy does not include bullying. Amy Leonard, Borough Solicitor, provided a standardized harassment policy for Council to review. It was pointed out that part 2 should include gender identity and sexual orientation. The amount of time that someone has to file with HRC and EEOC will be added in along with the address and phone number of where to file. All employees receive a handbook and sign off after reading it. The amended harassment policy will be added to all handbooks for current and new employees.

**6. HAFSC update: Randy Rannel/ Tammy Moseman**

Tammy Moseman reported: An e-mail was sent out saying they would just have the committee meetings in March. During the finance committee meeting they discussed cost estimates for training. Ms. Moseman shared a breakdown of the training costs with council. East Hempfield ended up purchasing a year subscription for this year at a discounted cost of 5,735.00. The training program is expected to be up and running in April. There will be an administrator for each fire department giving information on which training they need to take. This training will be online only. Discussed apparatus being part of the program costs.

Grants may not be able to cover SCBA (Self-contained breathing apparatus) – each fire fighter needs 2 outfits in case one becomes contaminated and needs to be cleaned. Diane Garber and John Kottmyer will provide spreadsheet with more information on this.

Next committee meeting will be held the 3<sup>rd</sup> Wednesday of April. She was told right now they are just having committee meetings.

Randy Rannels reported: Training is required for all firefighters and if they do not have it, they can not go out on calls. Some recruits just do not have time for all the training and annual requirements. The online training program they discussed will be open and unlimited to all firefighters, and it will make it more convenient for firefighters to receive training. The training program includes EMT training that will count toward the licensed EMT training requirements. It was discussed that this cost would be shared between the fire departments. Mr. Rannels does not feel this is part of the program cost, but he does recommend East Petersburg pay for part of this training cost. He will confirm what percentage of the cost is for us.

Josh Roberts asked who determines if there is a board meeting for HAFSC. Mr. Rannels said the chairman determines if there is a meeting or not. Mr. Rannels said there was an e-mail sent by Diane Garber asking if there will be a meeting and he agreed with the decision.

Josh Roberts asked if there has been any progress from East Hempfield to discuss the 90/10 that was offered by the borough? Randy Rannels said that there has been no progress and we are still waiting on them. Mr. Rannels said without apparatus, there are still other costs: fire department operations, recruitment/retention, accounting, technology, office supplies, station tools equipment, equipment for trucks, personal protective equipment, and capital projects.

James Swarr asked what the municipality is doing to move this along. Manager St. Clair said she has reached out to Cindy Schweitzer, Manager of East Hempfield, every month to find out what is going on, and she is continuously told groups are still meeting, they are still working on it, and they will notify her.

Randy Rannels said he was told by Scott Russell this must go through two committees. James Swarr said if they are not having official meetings to vote on anything then should we be paying for anything? Randy Rannels said we have not paid for anything beyond the revenue agreement to pay 20% of the salaries for Chief Kottmyer and Diane Garber. Randy Rannels said if we decide to pay for this training it would be beneficial for the fire department. Josh Roberts asked what fills up Chief Kottmyer's day and are we just paying for him to run calls? Mr. Roberts said he does think Chief Kottmyer is doing a good job and he does support the fire department and wants them to thrive, but this is dragging on and this is added taxpayer money beyond what we give to the fire department already with the millage and he feels this needs to get in order soon. Tammy Moseman said she constantly asks questions, but she is in the dark also. Ms. Moseman said she does know that Mr. Kottmyer is working on administrative work, recruitment and retention, looking for grants, running calls in daylight because a lot of the guys are working. Ms. Moseman said they are just on committees until further notice, and she is sorry she does not have more information for him. Josh Roberts told Tammy Moseman he understands she only has so much power and said she is doing a great job and to just keep on doing what she is doing. President Miller thanked Tammy Moseman for what she does.

**7. LIMC: Any Council member interested in sitting on the UCC board of appeals? (Replaces JW)**

LIMC is asking Manager St. Clair to replace John Wolf's position on the Appointment Committee, due to John Wolf's resignation. The Appointment Committee reviews a list of qualified individuals and selects seven of them to sit on the appeals board. Mayor Malone has come forward to take the open spot on the Appointment Committee. No others have come forward to fill this spot.



**8. Review Account Payables for 3/24/2022**

There were no additions to the regular bills.

**9. Misc. Manager/Foreman/Council Items**

Manager St. Clair

Liquid fuels payment was received in the amount of \$123,205.00. We received a trash performance recycling grant in the amount of \$6,451.00. The 2021 financial audit is complete and for the first time ever the auditors did not have a comment letter to submit. A comment letter is where the auditors list findings and recommendations for changes, and they do not have one. She will have the full complete audit for Council next month.

The traffic signal at State and Main Street is officially the Borough's. There is still an issue with the pre-emption light. The light should change to green for the fire co. at State St. and it is not turning green until they are under it or not at all. C.M. High is going to come out and look at this.

Lg. Appliance and tire pick up will be held on April 29<sup>th</sup>: lg. appliance tags are 15.00 and tire tags are 5.00.

The 13<sup>th</sup> Annual Vagabonds Car Show will be held on May 7<sup>th</sup> from 11 pm – 3 pm, first rain date is May 8<sup>th</sup>, and second rain date is July 30<sup>th</sup>. Registration forms can be found online.

Randy Rannels

Easter Egg Hunt will be held Saturday, April 16, at 12:00 pm. Raffles will be called after the egg hunt.

Jeff Moseman, Foreman

Recently returned from leave for surgery.

Attended Little Conestoga Watershed meeting and it was discussed that an engineer will be applying for a grant to put in a riparian buffer in the stream bank at the yellow freight property. We will qualify for some of these MS4 credits for our PRP (pollution reduction plan). James Swarr asked what MS4 credits are. Mr. Moseman explained MS4 credits are what we receive when we reduce the amount of pollution that goes into the stream. We receive credits based on what we pay for, or what we accomplish. We have two big programs to gain those credits over the next two cycles. It is harder to receive the credits with smaller projects. There is a formula that is used that determines what amount of credit we receive. It was pointed out that street sweeping helps contribute to the credits also. Mr. Swarr asked if there will be a mandatory schedule put into place for street sweeping. Mr. Moseman said there is a schedule in place, and we sweep often enough that eventually we do sweep the entire street and it is not a problem for the operators. It was pointed out that municipalities that have made it mandatory also issue fines to enforce it.

President Miller

Attended the seminar "Effective Relationships for Municipalities and Volunteer Fire Companies", along with Manager St. Clair and John Herr. She pointed out that we are already doing a lot of the things they talked about.

John Herr

Asked how far along we are with Shentel Communications. Manager St. Clair said she just started receiving the information from Mark Cohen and this will go to Amy Leonard, Solicitor, for review. The entire process will take 1½ - 2 years.

Mayor Malone

On March 3, Mayor Malone, Councilmembers, and Adam Marden visited the 911 center. They were able to see how heavy the activity is and all that goes into what they do. Another tour can be set up for those who were not able to attend.

Attended PA Boroughs Association online course on ethics. Mayor Malone pointed out that the forms can now be filed online, and if you do file online, a copy will still need submitted to the office.

**10. Fire Co. Financials review**

**II. Agenda Items for ACTION**

- 1. *It was moved and seconded (A. Gochnauer / J. Schick) with unanimous approval by the Board, to approve the February 24, 2022, Committee Meeting Minutes***
2. John Schick pointed out that the original estimate for the Rt. 72/Miller Rd traffic signal light upgrade project was 13,000.00 and the new price came in at 12,000.00, with the following additions: replacement of additional

signal heads, replacing old LEDs, and rewiring the signal heads. Mr. Schick pointed out this was a much better value.

**It was moved and seconded (J. Schick / S. Valdez) with unanimous approval by the Board, to approve the C.M. High quote for the Rt. 72/Miller Road traffic signal light upgrade project**

**III. Extra Items: Issues arising in the last 24 hours: None**

**IV. Regular Committee Meeting Adjournment: 6:00 p.m. – 8:10 p.m.**

**V. Executive Session: In: 8:20 p.m. – 9:48 p.m.**

**Next Meeting: Tuesday, April 5, 2022, Council Meeting & Thursday, April 28, 2022, Committee Meeting**

Respectfully Submitted,  
Kim Strayer, Recording Secretary

MINUTES OF THE COMMITTEE MEETING  
OF THE EAST PETERSBURG BOROUGH COUNCIL

<b>DATE AND TIME:</b>	April 28, 2022	6:00 p.m.
<b>LOCATION:</b>	Community Center	6051 Pine Street
<b>ATTENDANCE:</b>	Council Members:	Debra Miller, President John Schick, Vice-President Adam Gochnauer, Pro Tem John Herr Lauren Houck Randy Rannels Sandra Valdez Mayor: Borough Manager: Supervisor: Borough Solicitor:

**Meeting was called to order:** 6:00 p.m.

**Pledge to Flag**

**Visitors:** James Swarr, Tammy Moseman, Linda Rannels, Teresa Mickoseff  
James Swarr was recording the meeting.

**I. Public Comments:**

**1. Tammy Moseman/ Randy Rannels- HAFSC**

Tammy Moseman said she attended HAFSC financial committee meeting last week. They are still gathering capital improvement requests from each of the fire departments to start beginning the budget process. They are combining 9 companies for grants to allow for better options for grants. So far, they have received over 1,000,000.00 for over 3 years for the 9 departments. Still looking at Radio purchases. Don Schoenberger will hold a fire school if council is interested, they can sign up. Tammy Moseman will send out an e-mail with dates. They will not be having the meeting on the 17<sup>th</sup> due to elections. John Kottmyer has commented that he is very pleased with East Petersburg Fire Department. Randy Rannels added that EP Fire Co. is going through the process to work through replacing a ladder truck and heavy rescue, which will need replaced over the next few years. Randy Rannels said they have not heard back from East Hempfield regarding discussion on sharing the cost for apparatus.

**II. Agenda Items for DISCUSSION ONLY:**

**1. Linda Rannels: Benefit Concert for Gatehouse**

Cathy Gregoire with Gatehouse said that they offer transitional housing and halfway houses for men and woman throughout the area. Cathy has been to events in the borough and really likes the setting, and would like to have music for the families, along with games. Clarence Beatty from Scranton wrote a song about surrender, and this is the theme of this event for their recovering community. The date of the benefit would be June 11<sup>th</sup> from 12:00 p.m. to 5:00 p.m. music will be 1-4:30 with a rain date of June 12<sup>th</sup>. There will be food trucks from the local community businesses, and they will have porta potties. They would like to use five tables if they are available. Manger St. Clair said that the Community Center is rented that weekend, but she will check on tables and let her know. An application will need filled out, fees paid and a certificate of insurance naming EPB as additional insured. The renters of the CC will be notified of this event.

**2. Guest: Robert Maiden from Working Lands Restoration Project**

Robert Maiden with Working Lands Investment Properties said they are proposing a land restoration project that improves stormwater and water quality, fish habitat, and public access. They acquired this property from Frank Nolt and Michael Mann, the owners of the Mercedes Benz property. They are the primary owners of the land along the creek where this project will take place. A small portion of this property is in the borough, the other portion is in Manheim Township and East Hempfield Township. East Hempfield Township is their sponsor. He explained that there is still room to grow. Mr. Maiden said this project can be applied to the boroughs MS4 credit without having to contribute to funding. Mr. Maiden said they are doing this for the better of the environment and to add public fishing access. Mr. Maiden said his company is a design/build firm. Randy Rannels said this area is lined with trees and asked what the scope of work is. Mr. Maiden said there are 17 out falls there from one of the most impervious areas around and this is not allowed anymore. They will try to keep all the trees they can and will work to restore this area.

He said he is asking for the borough to support the project and the borough will be able to use the credit, but they technically do not need to receive the boroughs support. They are not asking for any financing. The state is funding the project. Mr. Maiden said that PPL owns land that could be eventually restored also. They would like to continue to work on restoring lands along the creek. Mr. Maiden said they expect to start this project within the year. They have applied for the grant already and are waiting to hear if they will receive it or not. Permits will be acquired on a federal and state level to do the work. The land is in a floodplain, so it adds another layer of permitting for this stream restoration project. Amy Leonard explained that MS4 restoration usually involves numerous landowners, but this site is only one owner and they have already given him permission to access the site and do the work, which cuts down on the costs that go along with getting the easements. She explained that it is significant that they are willing to give the credits to us without asking for funding because these projects are extremely expensive. Mr. Maiden said that is what his company usually does. They try to find and acquire adjacent land to do these projects.

Jeff Moseman asked if it is shovel ready. Mr. Maiden said it is not shovel ready and they have not acquired the permits yet. This is all proposed at this point. This is all contingent upon receiving the grant funding.

Randy Rannels asked Mr. Maiden what his business model is. Mr. Maiden said Working Lands is a private company. Mr. Maiden said that this is no different than building a road for PennDOT or building a building for a municipality. They make their money through the grant or whoever pays them.

Jeff Moseman said that behind the Keller Williams office building (formerly Ethan Allen) there are two stormwater inlets that feed into the creek and that is the only section that is in the Borough.

Jeff Moseman said we are just a small part of this project but since the work is being done at no cost to us, we should snag what we can. Mr. Moseman pointed out that MS4 credits are due this permitting cycle. Mr. Moseman explained that we will be applying to get grants this year to help with the Meadows and if we do not receive any grant money, it will all be on us to get the credits this year. Mr. Moseman explained that DEP calculates the credits we receive.

Mayor Malone said he needs to think on it some more. He said what Amy Leonard and Jeff Moseman said sounds great, but he just does not know enough about it.

John Herr said he likes the idea and would support a letter of support with Jeff Moseman's greater understanding of it.

Randy Rannels said it sounds like Jeff Moseman supports it and he is our MS4 guy, so he would be ok with going ahead with a letter of support.

Sandra Valdez said she still needs time.

John Schick said he would be in favor of a letter of support with Amy Leonard's clearance and with protecting the borough and keeping us free and clear of anything to protect the borough, and as long as Jeff Moseman, is in support of this because he is our MS4 guy.

Amy Leonard said we are not being asked to apply for any permit and do not need to acquire easements nor do we own the land, so we are not being asked to give access. The borough is not being asked to provide any long-term maintenance at the site after the restoration is complete.

Debra Miller said she supports a letter.

Adam Gochnauer said yes to a letter of support.

Lauren Houck said she is undecided and that it does not sound like a letter is really needed. She said that the project will happen with or without our approval. She pointed out that usually the letter of support is received prior to submitting the grant documents to DEP, but he has already applied for the grant, so at this point if Council gives a letter of support, it will just be to put in the file.

Mr. Maiden said that the letter of support that he would receive would actually be null and void and he just came here to be a good neighbor and work with the borough to build a cool project on our property that we get credit for.

Manager St. Clair said usually the more municipalities that support a project can help them get more money.

Mr. Maiden said at this point it will not make a difference, but he will still give the credit to the borough. He explained that there is no legal or financial support needed from the borough.

Mayor Malone explained that they just want to fully understand what they are putting the borough name in to.

President Miller thanked Mr. Maiden for coming to the meeting.

**3. Amy Leonard: Shentel Communications Agreement**

Amy Leonard explained that right now the only cable provider in the borough is Comcast. If other cable providers want to come into the borough and become a competitor, they must go through the same cable franchising process that Comcast recently went through. Franchise deals are generally done every 10 years. The borough will receive quarterly payments and 5% revenue share according to the terms of the agreement. The customers pay the 5% franchise share. Shentel wants to become a competitor, so they will need to now go through this agreement process. The agreement allows them to use the borough's right of way to put the infrastructure in place. Shentel will apply for all permits needed. Ms. Leonard explained that competition is a good thing, and it is not something the borough can prevent anyway. The cable providers are all governed by the federal law. For the Comcast agreement, several municipalities went together and hired Cohen Law Group to put together the agreement on behalf of the municipalities. Cohen Law Group specializes in cable franchising, telecom, and wireless, and the legislation that goes along with these things. The legal costs for these things are usually 8,000.00 – 10,000.00. Shentel has hired Cohen Law Group to prepare the agreement to propose to the borough saving the borough this cost. All providers get the same deal. Ms. Leonard explained that there are only two ways that this agreement is different. They are not required to provide service in the exact same areas that Comcast has, and their lines do not have to be put in identical to Comcast. They would like to provide service to the entire borough, but it will take time. Comcast has offered us a PEG or Government education channel, but we do not have one, so we receive 6.00 per subscriber. Shentel knows that we do not have these channels, so they have offered a onetime up-front payout of 5,000.00. It is a 5% max fee under FCC guidelines, so the fee's we receive will not change much. Ms. Leonard said that the agreement is in order, and we are not required to have a public hearing. There is a resolution drafted to accept the agreement with Shentel. It was pointed out that it could take 18-24 months until Shentel will be ready to provide services. It was pointed out that on page 20, section 7, there is a change that needs made to name Shentel rather than Comcast. Council said they would like to move forward with this.

**4. Jeff Moseman: Lemon Street Sidewalks/Curbing for paving (2023)**

Jeff Moseman said this year the water main will be replaced and next year the road will be resurfaced. Prior to the resurfacing, sidewalks that need repairs will need to be fixed. John Schick said that ARRO is the professional and they should be the ones to determine the areas that need repairs. The sidewalks should be marked, and a letter sent to homeowner giving a time and date of a meeting with Michael Bingham in attendance to answer any questions or concerns.

Amy Leonard said as this progresses the borough would need to be careful not to recommend a contractor to residents.

5. **Karen St. Clair: Review the Lancaster County Conservation District MOU**

Manager St. Clair said this is just a renewal of the MOU we already have in place. The only change is that they will no longer administer the dam safety and the waterway management; DEP. will oversee it. This will be on the agenda for Tuesday.

6. **Jeff Moseman: Review Riparian Buffer Property Owner Agreement**

The date will be May 7, 2022, from 9 am – noon. There is a sign-up link on the website. There is also a picture of the layout of the land and where they will be planting the trees. Shovels will be provided for this event. This is funded by a DCED grant that was received by Lancaster County. Amy Leonard looked over this agreement and the borough does have some stewardship maintenance. The agreement does cover any unforeseen damage. Ms. Leonard would like to have a hold us harmless clause included in the agreement for anyone inspecting the trees from the city. This agreement will be adopted by resolution. Ms. Leonard would also like to use volunteer waivers for the event. Mr. Moseman said they will look after the trees until they are established. MS4 credits will be received for this project. The City of Lancaster applied for a grant to receive the trees but some of the areas did not suit, so they offered some trees to the borough.

7. **PSAB Resolution in support of Legalization of Cannabis**

A letter was received from David Bolton who represents Adams County on the PSAB Board of Directors. He is looking for support for legalizing marijuana that he can take to the state representatives. He has provided a copy of a resolution that could be used for this. It was pointed out that this is currently regulated under federal law. Council said they would be more inclined to support decriminalization, not legalization. Council asked where the police stand on this. Manager St. Clair will find out at the next meeting she has with NLCRPD.

8. **Karen St. Clair: Hempfield Church of the Brethren – Ice Cream Social Friday, May 13<sup>th</sup>**

This would be in Constitution Square & Lincoln Court areas and last for 1- 1 1/2 hours. This was approved for last year by Council but there were 4 conditions: it must be in only the areas mentioned, they must submit a certificate of insurance naming the borough as additional insured, literature can not be handed out, it must be ice cream only. This will be on the agenda for Council meeting.

9. **Review the Amended Fee Schedule dog fee increase, water meter fees, amphitheater fees**

The amount was increased by SPCA so the dog fee will now reflect the increase, water meter fee will be added, amphitheater fees will be added. This will be on the agenda for Council meeting.

10. **1Q22 Financials/ Financial Audit 2021**

Copies of the financial audit for 2021 were given to Council and will be on the agenda for Council meeting. If Council has any questions after reviewing, they can let Manager St. Clair know and she will check with the auditors. There were no recommendations for changes to the accounting practices.

1st Qtr. – 2022

General Fund:

Revenue - Most of the property revenue will come in May. Currently at 14% of our revenue for 1<sup>st</sup> qtr.

State and department revenue is right on track.

General cash balance as of March 31, 2022 – 1,286,000.00

Expenses – Insurance was paid in the beginning of the year and there is not much more to pay for the rest of the year.

No transfers have been made to date.

Expenses for 1<sup>st</sup> qtr. were at 22%. Expenses were under budget by 3%,

Water Operating Fund:

Revenue- everything is on track. Currently at 22%.

Cash balance as of March 31, 2022, was 615,000.00

Expenses- as of March 31, 2022 at 15%. Expenses were under budget by 10%.

Most of the insurance was already paid.

Transfers will not be done until next month.

Trash Fund:

Revenue- right where we should be. Total revenue as of March 31, 2022, was 26%.

Trash fund balance is 152,000.00

Expenses- under budget by 3%.

Street Sweeping:

Expenses- 4,900.00 paid for winter maintenance; 3,000.00 for sweeper brushes

This will look better next quarter.

Cash balance for all the other funds: 4.3 million

Edward Jones: Investment since May - 2019 has made 145,000.00

Aging Report: Outstanding 120 days 565.00; 60 days credit of 754.00 (resident pre-paid); 30 days is a little over 3,000.00

Copies of these accounts were given to Council for review.

#### **11. Review Account Payable**

Every year if we have outstanding checks that have not been cashed, we reach out to the business and issue replacement checks. All other outstanding checks get turned over to the state.

The 3,400.00 amount for the GAGA Ball came out of the S. Clyde Weaver monies received for the park.

#### **12. Misc. Manager/Foreman/Council Items**

##### Manager St. Clair

General Code link will be on the website as soon as the update is ready in 2-4 weeks.

PennDOT grant money received in the amount of 218,000.00 for traffic light.

Grant from DEP received in the amount of 1,400.00 for borough calendars.

Hometown Hero banners were received.

Lancaster Bike club will be holding the Covered Bridge Classic. This is 100-mile route that passes approximately 2 miles through the borough. This will be put on the Council meeting agenda. Prior to the event they will receive the certificate of insurance.

A premium credit of 11,955.00 was received from Capital Blue Cross. We have a level funded premium which allows us to receive credits when our claim costs are lower than what is expected. Total premiums collected for claim expenses totaled 49,125.00; the actual claims cost paid through the period of November 2020 through February 2022 totaled 24,651.00. We get a 50% credit for this. This will be put in a separate reserve account in case we have overage costs we can put this amount towards them.

The 1st NNO meeting was held. NNO will be held 8-2-2022.

At the last LIMC meeting it was mentioned that Lancaster County approved guidelines to apply for ARPA funds from their allocation. Lancaster County is looking for large projects. Manager St. Clair said if we do not get the grant money, she has budgeted 50,000.00 each year to be put aside for the park projects and now we can apply for the Lancaster County ARPA funds. Manager St. Clair asked Robin Hemperly to put something together for this.

##### Randy Rannels

Mr. Rannels asked how often and when the tall grasses at the Meadows get mowed down. Jeff Moseman said he has been told many different things by many different people about when it is best to mow this area. Mr.

Moseman said that it usually gets mowed down two times per year, and this year they mowed it earlier than usual (in December) and they pre-walked it to be sure there were no birds.

Pointed out Chancey's has closed their doors permanently.

##### Debra Miller

She attended the Lancaster County Borough's Association dinner at the Clipper Stadium along with Sandra Valdez and John Schick.

##### Adam Gochnauer

As of today, we received a new contract with East Nottingham for street sweeping. Street Sweeping figures will be increasing and looking good soon. Should be getting another business soon in Marietta.

##### Lauren Houck

Met with Robin Hemperly and Sandra Valdez about park equipment and discussed options for what to use the S. Clyde Weaver funds for. Items were narrowed down, and Robin will start looking for items through co-stars. They were looking for durable items.

##### John Schick

Pointed out that our community pool is doing great compared to some of the others in the area.

Pointed out that the main topic at the Lancaster County Borough Association dinner/meeting last night was ARPA funds and said that clean water and water source projects are priority. They are looking for large regional projects also.

**13. Fire Co. Financials review**

Submitted to Council to review.

**II. Agenda Items for ACTION**

- 1. *It was moved and seconded (J. Schick / S. Valdez) with unanimous approval by the Board, to approve the March 24, 2022, Committee Meeting Minutes***
- 2. It was moved and seconded (S. Valdez / J. Schick) with unanimous approval by the Board, to approve the extra date added to the PA Classics Soccer Tournament – Lititz Showcase July 23-24, 2022**

**III. Extra Items: Issues arising in the last 24 hours: None**

**IV. Regular Committee Meeting Adjournment: 6:00 p.m. – 8:06 p.m.**

**V. Executive Session: None**

**Next Meeting: Tuesday, May 3, 2022, Council Meeting & Thursday, May 26, 2022, Committee Meeting**

Respectfully Submitted,  
Kim Strayer, Recording Secretary



MINUTES OF THE COMMITTEE MEETING  
OF THE EAST PETERSBURG BOROUGH COUNCIL

<b>DATE AND TIME:</b>	May 26, 2022	6:00 p.m.
<b>LOCATION:</b>	Community Center	6051 Pine Street
<b>ATTENDANCE:</b>	Council Members:	Debra Miller, President John Schick, Vice-President (Absent) Adam Gochnauer, Pro Tem (Absent) John Herr (Absent) Lauren Houck Randy Rannels Sandra Valdez Mayor: James Malone Borough Manager: Karen St. Clair (Absent) Supervisor: Jeff Moseman Borough Solicitor: Amy Leonard (Absent) Assistant Treasurer: Jennifer Guzejko

**Meeting was called to order:** 6:00 p.m.

**Moment of Silence / Pledge to Flag**

**Visitors:** Tammy Moseman, Michael Bingham, Andrew Alwine, Keith Rollman, Michelle Carpenter, Kim & Eric Mause, Andrew Hake, Don Schoenberger, Sam Maurer, Annette Rogers, Patricia Sherrard, James Swarr, Josh Roberts was recording the meeting

President Miller announced that the Borough Codes are now on the website.

**I. PUBLIC COMMENTS:**

Several residents were in attendance from Lemon Street regarding the sidewalk replacement letters they received from Michael Bingham, Borough Engineer/ Zoning Officer.

- 1. Tammy Moseman - 6257 Lemon Street:** Asked why the other resurfacing areas in East Petersburg did not have to replace their sidewalks. Michael Bingham explained that it is on a case-by-case basis. It depends how old the existing sidewalk and curbs are. He said the biggest determining factor is if the curbing is an issue, it must be taken care of while the road is torn up. He explained that at this area of Lemon Street, the curbing is all in bad shape except for the church area. To bring these to compliance they need to be 8-inch reveal, so for the next 50-60 years anytime the road crew wants to come in and pave 2 inches of asphalt over the top to make it smooth, they will still have the curb reveal. If you would have the 6 inches that is there now, you start getting less and less curb. Mr. Bingham said in some of the older borough's you will see 2-3-inch-deep curbing which doesn't serve the purpose of a curb. Ms. Moseman pointed out that the letter says the road will be reconstructed. Mr. Bingham explained there will be trenching, backfilling, and resurfacing and this is considered reconstructing. Ms. Moseman said the ordinance states sidewalks 10 years or older or a decision made by Mr. Bingham on whether they are compliant. She asked if lower Lemon Street curbs are all 8 inches and what the deciding factor was on that end of the street and some of the other resurfaced roads, such as New Street and Stevens Street. Mr. Bingham said there wasn't an issue. The curbing on Lemon Street is deteriorating and the time to replace it is before you pave. He said the curbing on the other streets weren't deteriorating like they are here. He said if you look at the face of the curbing you will see a lot of spalling and that is the beginning stages of the concrete failure. It is where all the salt goes up against the side and all the moisture gets in there, as soon as it freezes it starts to pit and as soon as that starts to happen, the deterioration starts to speed up rapidly. Mr. Bingham said there are a couple of areas where the curbing is completely deteriorating. There is a stretch on the right-hand side as you leave town that is completely falling apart, and that is what the rest is going to be like. Tammy Moseman asked if everyone was held accountable for curbing and sidewalks on roads that have been repaved in the borough and if she looked at them is that what she would see? Mr. Bingham said if she looked now, they would not look the same as when it

was put in. Ms. Moseman asked what the difference is between maintenance, rebuilding, and reconstruction. Mr. Bingham said reconstruction is when you take out material and replace it, and they are replacing the water line, so that material will be taken out and replaced. Tammy Moseman said the ordinance and letter are both misleading because it sounds like sidewalks must be replaced after 10 years. Mr. Bingham says that is not the intent. He explained the intent here is the curbing is falling apart along this area of Lemon Street and if you replace it to the standards of 8 inches, you will have a gap between the top of the curbing at the existing sidewalk which creates a tripping hazard, and we do not want that. We want everything uniform. If it is something you put in within the last 10 years and you will not have the gap, and there is an area that has the 8-inch curb, you would not have to replace it, but he does not think this is the case at this area on Lemon Street. Tammy Moseman asked if the borough is going to be accountable for sidewalks on borough property? Mr. Bingham said there is a fine line the borough must walk in order to keep things safe without impacting taxes. If something is unsafe the borough will address it. Mr. Bingham said this is what needs to be done on Lemon Street to keep it safe and have curb appeal and it is not currently ADA compliant. Tammy Moseman asked if the lower part of Lemon Street was a 2-inch overlay? Mr. Bingham said he did not know because he was not a part of that project. Ms. Moseman said to her understanding the ones that are required to get new curbing and sidewalk currently have 6 ¼ inch, and what will be done to the road will be the thin low friction wearing course about ½ inch thick, so in her eyes it will be at the right level of what the ordinance calls for. Mr. Bingham said 8 inches is required. Ms. Moseman said you are asking 40-45 people that are already struggling to pay bills, to now come up with 10,000.00 or more to replace sidewalks, and if they cannot pay, the borough will fix them, and they will have even more costs. She asked Council what they should do? Mr. Bingham said they are not doing this because they want the homeowners to have to pay for anything. He explained the curbs are in dyer shape and the majority of them are falling apart. He said if we are to redo the road and then 3 years from now, we would have to start cutting out some curbs then we are tearing up a road we just put in. This is a cost the borough would have to incur and then pass that down to the taxpayers to replace something we just repaired. Ms. Moseman asked how residents are supposed to pay for this. Mayor Malone said home maintenance is something to budget for over the years. Mr. Bingham said that he sympathizes with the residents as a homeowner himself. Mr. Bingham said that some areas in the borough were made to put in sidewalks when they would not have known to budget for them because they never had them to begin with. Ms. Moseman said that some of the sidewalks the borough owns are in bad shape.

2. **Andrew Alwine - 6490 Lemon Street:** Asked if it is possible if everyone went with the same contractor could the permit fee be waived? He also asked if the borough could give recommendations of contractors or knows what the cost is? Mr. Bingham said the borough cannot give recommendations because if there was a problem with the contractor, we could be held liable. Mr. Alwine asked if the other end of Lemon St. all went together and had one contractor. Lauren Houck said that most of them did use the same contractor, but she could not remember the name of the contractor. Mr. Alwine said that it would have been good if the borough would have supplied information with the letter on contractors. Lauren Houck explained that when someone has a sidewalk, curbing, or driveway done part of the fee includes the engineer going out to inspect the work as it is happening to make sure they are using the right material and the right depth. Ms. Houck said we are having someone come out to make sure the contractor is doing the work properly, and that is part of that permit fee. It was asked if they could just get one permit? Randy Rannels said Council would have to discuss that. Mr. Rannels said that it is a valid question and whether this is something they can do or not, would have to be discussed. Lauren Houck said they do not have this happen often, and it would be different than what we have scheduled and what is followed, and they like to keep everyone doing the same thing, but they are always open to hearing other ideas. Mr. Bingham said that no one is taking this lightly and it is just a matter of not doing the work twice because residents would then ask why we are wasting the taxpayer's money. Mr. Alwine said if the fee cannot be waived can you tell us where the money goes and give us the rate and be transparent with the cost. Mr. Bingham said he is the one who goes out and inspects, and the borough usually loses money because the fee does not cover his hourly rate. Lauren Houck said that the fees are reviewed yearly, and we are not up-charging for the boroughs benefit, we are just trying to get the costs covered, and this inspection is good for the resident to make sure the contractor is doing the work properly. Mr. Alwine said he wants to be sure that the fee would cover everything and there would be no back and forth after this, and everything should be sure to be up to code, and the permit cover everything. Lauren Houck said there was an incident that the contractor did not do everything to code, and it had to get redone. Mr. Bingham said that the permit states to contact the borough office 2 days prior to pouring and this individual did not, and subsequently they did not do it to code, so it had to be redone. Mr. Bingham explained that the reason he, or one of his co-workers needs to inspect, is especially important because of ADA. He said that the entire stretch along this area of Lemon St. is not ADA compliant, and it cannot physically all be ADA compliant because there are some restrictions there on width where its not going to happen and some of the side cross slopes are not going to happen. Mr. Bingham explained that all the driveways in this area that have a sharp dip, will be much smoother and more gradual, as much as possible, and this will also make it a more enjoyable walk down this street. Mr. Alwine asked what it costs to do this kind of work. Lauren Houck said usually you can call a contractor and get a

free estimate. Michael Bingham said in today's market he does not know, and if he would tell him an amount and it is higher, than he is going to be upset with him. Mr. Bingham said one of the reasons they are giving a year is because if you tell a contractor you have a year to schedule, they can give you a discount because they can fit it into their schedule when they are light on work. Mr. Bingham said there is a section in the Subdivision and Land Development Ordinance, which can be found online, that covers sidewalks and curbing. Normally with a permit you would submit a drawing, but in this case, you are replacing a sidewalk in the same location, so it will not be necessary to submit a drawing. It is important that the resident contacts us, so we can be out there when the contractor starts excavating to be sure they are putting in the best product and it is as close to ADA as possible.

3. **Keith Rollman - 6287 Lemon Street:** Asked why resurfacing and repairing the sidewalks is not an option? Mr. Bingham said it can be resurfaced, but that is a temporary fix. Mr. Bingham explained resurfacing is just painting over top the sidewalk with a very thin layer of concrete and this does not typically last as long. Mr. Bingham said when this starts to wear off you still have a product with all the salt accumulation inside, and it will deteriorate the concrete. Mr. Bingham said that is why you have the areas that are falling off. Mr. Rollman said that it is not detrimentally damaged right now, but we are being told we must replace them by people that do not have to pay for it. Mr. Rollin said he recently had to pay to have repairs done to his home and is now being asked to pay for sidewalks, so he might have to sell his house and move out of East Petersburg because he cannot afford to live here. Mr. Bingham said that if we have an area that is 8-inch curb reveal and 6-inch curb reveal, it would not be uniform, and added that 98% of the curbing in this area of Lemon St are spalling on the face and it is just a matter of time that they start cracking and falling apart and we don't want to tear the road up after we just paved it. Mr. Rollman asked why the spalling concrete on lower Lemon did not have to be replaced? Mr. Bingham said that was 8 years ago, and he was not a part of that project.
4. **Michelle Carpenter - 6377 Lemon Street:** Said she expected the letter to come from borough councilmembers because that is who she voted for, and not from Mr. Bingham on borough letterhead because he is not an employee. Debra Miller explained he is the zoning officer for East Petersburg Borough.
5. **Kim Mause - 6250 Lemon Street:** Said with the concerns of the economy and what is going on maybe it would be better for both sides to do the pipe replacement and patch the road for now, and then wait to see how the recession goes. Ms. Mause said if Council waits for another year to revisit this, it will give them all time to prepare and to save or add to what we have saved that may have been diminished over the past 2 years. This would also give the borough time to see if the price of asphalt goes down because it is more costly this year which is more taxpayer money. Mr. Bingham said it could be a risk to wait because there is a chance the prices could go up. Ms. Mause said a lot of people have not recovered from the last 2 years yet, and now we might be going into something that could be much worse. She said that she sees there are parts of the sidewalk that are completely deteriorated, but if it is only being patched for 1 year and we wait, it would give everyone a little more time to prepare. Mr. Bingham said if they have another 2 years only 20 % of people will do anything about this and then we are back to this again in 2 years. Ms. Mause said she must replace her roof this year and now she must put a new sidewalk in, and this will use every amount of savings they have, or they will have to take out a loan against their house. Randy Rannels said it is a fair request and this is something that they need to discuss and consider. Mr. Rannels said we do not have the answers for you right now because we need to discuss this and make a decision.

A resident asked what would happen if they decided not to do the work. Mr. Bingham said it would be far more expensive because there would be legal fees and engineer fees in addition to what the borough had to pay to have the work done.

A resident asked what would happen if we just replaced the curbing and not the sidewalk. Mr. Bingham said the curbing will be higher and there would be a gap, and this would be a tripping risk. They asked if the steps would need replaced and Mr. Bingham said that the sidewalk could be installed on a slight slant. Mr. Bingham said he will have to look at it to know if this would be ok. Mr. Bingham explained that part of the permitting process is him coming out and answering questions on site. He said he has already received calls and he has gone out and spent almost an hour talking with the homeowners. Mr. Bingham said he understands it is not something the residents want, and it is not something that the borough wants to make them do, but they want to make sure it is done right, so we do not have to pay to have this done again in a couple of years.

A resident asked what happens at the alleyways? Mr. Bingham said the borough is responsible for the alley. Mr. Bingham said they will try to make everything as ADA as possible, but where it cannot be ADA, he will fill out a Technically Infeasible form for ADA and submit to PennDOT. This will be done for each one in the borough, because this must be done to not be sued by ADA.

Tammy Moseman said when council is discussing all of this, she would like them to discuss the borough property sidewalks so they can be accountable for these also.

A resident asked if speed bumps could be put in because a lot of people speed on Lemon Street.

Debra Miller said they have been working with NLCRPD on this and they have done traffic studies on this street and traffic calming tactics, and we are doing everything we can, but we are limited.

Lauren Houck said we are getting a better response with NLCRPD about the speeding on Lemon Street and in the borough. They are putting up more speed awareness signs in the borough. She explained we have a lot of roadways in this borough and the budget is only so much each year. Ms. Houck said they did an evaluation a few years ago to determine which roads were the worst and tried to come up with a schedule of priority and we are just trying to work through that list. Lauren Houck said if you see someone speeding in the borough, call the non-emergency number and report it.

Mr. Bingham said the last time he put speed bumps in for a different municipality he received so many calls of complaints because after a driver comes off the speed bump, they floor it and if they have a loud muffler this is even more of a nuisance.

Debra Miller said maybe making the Road a one way would be a good idea.

6. **Annette Rogers - 6440 Lemon Street:** Asked if they could put in a curb at one time and then the sidewalk at another time. Mr. Bingham said the problem with this is there would be a 2-inch lip and if someone's child trips, it could be detrimental. He would sooner sit there for 3 days and be yelled at rather than something tragic happen.

A resident asked when they will hear back about this. Mr. Bingham said he will not be able to attend the June 7<sup>th</sup> meeting. Debra Miller explained that 3 council members are absent tonight, and this is something they should all discuss and decide together, and this will probably happen on June 23<sup>rd</sup> at the next committee meeting. Lauren Houck explained that council meets 2 times a month and the meetings are structured differently. They discuss the items at the committee meeting. Residents are welcome to come to both meetings. Randy Rannels said he is glad the residents showed up to voice their opinions and express their ideas and they are open to doing whatever they can to help everyone. Sandra Valdez said this is the meeting we usually discuss residents' concerns but because there are so many out tonight, we are not able to do that, so the next meeting we will be able to do this is June 23<sup>rd</sup>. Michael Bingham said that this will get discussed in a public forum and any decisions made will be made in front of all of you. Lauren Houck said the committee meetings are the working meetings when we discuss any policy that might need changed, and we have all the information gathered for this meeting to review and discuss, and when we are ready to take action, it goes to the council meeting at the beginning of each month. She pointed out this is also when reports are reviewed. Mr. Bingham said the executive sessions are not to discuss these matters. Debra Miller said there is no guarantee a decision will be made at the June 23<sup>rd</sup> meeting. Lauren Houck said she would recommend the residents call or e-mail Michael Bingham and have him come out, along with contacting a contractor and getting a quote, and then bring this information to the June 23<sup>rd</sup> meeting when Michael Bingham will be here along with the rest of Council and the Borough Manager. They could also submit their information to the Borough Manager if they cannot attend the meeting. Mr. Bingham apologized and said he will be out of state so he can not be at the June 6<sup>th</sup> meeting, but to keep things consistent he would like to be the one who attends to discuss this at any future meetings. Mayor Malone said he is happy to see everyone at the meeting and explained that everything is published and advertised prior to doing it, and we want our citizens to actively participate in the lives they are living on everything from how the water is taken care of to how the trash is taken care of, and the only way to do this is to find a way to participate in government. Mayor Malone said even if the comment is only 3 minute per person, so we can get through multiple people, it is available to everyone. Mayor Malone explained that they put the comments first on the agenda so the residents will not have to wait until the end to speak. Michael Bingham said it is beneficial to have residents here, and said comments and ideas are always welcome.

7. **Sam Maurer - 6339 Lemon Street:** Asked when the water main project will start? Jeff Moseman said it will begin June 2 through 24. We just received the schedule today and a letter will be going out to all the residents affected and a door hanger hung on doors of those affected. Signs are hung in this area. Mr. Maurer said he looked up the company doing this project Doli, Inc. and saw they had bad reviews. Mr. Bingham said we are required to award the lowest bidder unless we have had prior issues, we can not disqualify them without just cause. Mr. Moseman said staff will be out there every day during the project. Mr. Bingham explained they will have to provide a service that is acceptable to the borough, or they will not get paid until it is. It is standard practice to have someone on site

to watch what they are doing, so they do not cut corners, or use materials of a lesser value to cut costs. Emergency vehicles will have full access and residents will be able to access their properties by coordinating with the contractor out there.

## **II. RECESS WAS TAKEN: 7:05 p.m – 7:15 p.m.**

## **III. AGENDA ITEMS FOR DISCUSSION ONLY:**

### **1. Nitrate Plant Repairs – review 3 quotes for exterior repairs**

Mr. Moseman explained the walls at the Nitrate Plant have cracks in the block concrete and there is some separation. They had a mason come out and they were told that the steel plates that hold the windows have rusted, and this caused spacing issues which has pushed the concrete blocks and there are now cracks across the wall. Each window and the front door need repaired. Three quotes were received: Steve Groff 19,750.00, S.A. Way 20,244.75, Zurin Masonry 12,400.00. They will be repairing each one of the lintels above the windows and doors, and also repairing block and repointing brick. Quote was received from R.W. Construction in the amount of 6,694.00 to replace and install double extension door and windows. Council asked why the quote from Zurin was so much lower. Mr. Moseman said that contractors are very busy, so this must be attributing to the higher quotes and said that all three companies are reputable companies. Mr. Moseman pointed out that bids can be disqualified when necessary. A Knox key box will also be installed.

### **2. T. Mobile cell tower upgrades**

The upgrades to the T. Mobile cell tower on the water tank will be taking place sometime in June. Doug DeClerk will be overseeing this project. Mr. DeClerk held a pre-construction meeting, and he will be on-site while the work is being done. Mr. DeClerk's fees are covered by an escrow account we have through T. Mobile.

### **3. HAFSC – Tammy Moseman & Randy Rannels**

There will be a full HAFSC meeting held on May 31, 2022. Ms. Moseman said she found this out by watching the Hempfield board meeting on YouTube. They have not received the agenda yet. Josh Roberts asked if there is a plan B when this does not work out. Lauren Houck explained that this is a legal matter because we are still within the original contract with the commission until the end of the year. Deb Miller said there is a plan B and pointed out that because this is a legal matter it has been discussed in executive session. Mr. Roberts asked why we are still participating in the HAFSC meetings. Lauren Houck said we are holding up our part according to the contract. Mr. Roberts asked why, because they are not holding up their end of things. Mr. Rannels said that is on their end and we still are obligated to hold up our end. Mr. Swarr asked if the borough found out what happened to the finances yet from the money they owed us. Mr. Rannels said that Manager St. Clair would have to answer that. Mr. Roberts asked if the fire department is aware of the plan B. Debra Miller said no comment. Mr. Rannels said it is a legal matter and we cannot talk about it. Mr. Roberts said from a taxpayer perspective the taxpayers should not be asked to pay for anything else until this is situated. Other than the training the Fire Chief asked for, Mr. Roberts does not think the taxpayers should be held to any of that. Deb Miller said she agrees and thinks they all agree. Lauren Houck said they are watching out for the taxpayer's money; we are under legal obligations because we signed a legal contract. Mr. Roberts said Kottmyer should not be asking for any more money. Mr. Rannels said the only thing agreed to, in addition to the agreement, was the online training for the fire department. Mr. Roberts said that he is not against the training for the fire department, but he can not believe there is not an opt out to this agreement. Ms. Houck said we are in this agreement for another several months. Debra Miller said she understands what he is saying, but there are just some things that they can not talk about right now.

### **4. Accounts Payable**

No additions to the regular bills.

Jennifer Guzejko pointed out that Hometown Hero Banners were under 5,000.00 which was less than expected. Any remaining funds will go toward maintenance. Randy Rannels and James Swarr said the banners seem smaller than some others they have seen in other municipalities. Randy Rannels said when they get replaced in a few years maybe we can look into getting bigger ones. It was asked why they are hanging higher up on the poles. Mr. Moseman said there is a designated height.

### **5. Fire Co. Financials**

Reviewed by Council.

### **6. Misc. Items**

Mayor Malone

The Radar Coalition will be holding a rally on June 9<sup>th</sup> at 9:00 a.m. at the State Capital. They are asking everyone who can be there to come out to support getting legal use of radar at the municipal level. A lot of the equipment that the state has relegated us is no longer being manufactured, so even getting repair pieces is not an option. They have a long list of on-record supporters for this, but it doesn't mean a lot unless it comes out of committee and actually gets voted on.

Debra Miller

Pool opens this weekend. Lifeguards are fully staffed. They will be allowing 70 walk-ins per day this year. GAGA pit was installed at the park. A plaque will be added to thank S. Clyde Weaver for the donation that was used to purchase the GAGA pit.

Jeff Moseman

Riparian Buffer update – 22-25 volunteers helped to plant 202 trees and 94 bushes/shrubs. Map will be put on website.

Lauren Houck

Last day of school is tomorrow.

**IV. Agenda Items for ACTION**

1. *It was decided to move the approval of the April 28, 2022, Committee Meeting Minutes to the next meeting, so more information could be added regarding the Working Lands Restoration Project*
2. Sandra Valdez asked if this 12,400 for Zurin Masonry & Roofing includes the amount for the new door and window. Jeff Moseman said the estimate from Zurin only included mason repairs, and lintel replacement. The new door and window along with installation estimate was received from R.W. Construction in the amount of 6,694.00. Council reviewed these estimates. Debra Miller asked if there is a camera system at the nitrate plant. Mr. Moseman said none of the water properties have camera systems, but they are monitored with alarms 24/7.

**It was moved and seconded (S. Valdez / R. Rannels) with unanimous approval by the Board, to approve the quote from Zurin Masonry & Roofing in the amount of 12,400.00 for repairs to the Nitrate Plant. ARPA funds will be used to pay for these repairs.**

**V. Extra Items: Issues arising in the last 24 hours: None**

**VI. Regular Committee Meeting Adjournment: 7:55 p.m.**

**VII. Executive Session: None**

**Next Meeting: Tuesday, June 7, 2022, Council Meeting & Thursday, June 23, 2022, Committee Meeting**

Respectfully Submitted,  
Kim Strayer, Recording Secretary

MINUTES OF THE COMMITTEE MEETING  
OF THE EAST PETERSBURG BOROUGH COUNCIL

<b>DATE AND TIME:</b>	June 23, 2022	6:00 p.m.
<b>LOCATION:</b>	Community Center	6051 Pine Street
<b>ATTENDANCE:</b>	Council Members:	Debra Miller, President John Schick, Vice-President Adam Gochnauer, Pro Tem John Herr Lauren Houck Randy Rannels Sandra Valdez (Absent)
	Mayor:	James Malone
	Borough Manager:	Karen St. Clair
	Supervisor:	Jeff Moseman
	Borough Solicitor:	Amy Leonard
	Borough Engineer:	Michael Bingham

**Meeting was called to order:** 6:00 p.m.

**Moment of Silence / Pledge to Flag**

**Visitors:** Tammy Moseman, Michelle Carpenter, Anette Rogers, Samuel Maurer, Kim & Eric Mause, Linda Anspack, Larry Large, Andrew Hake, Don Schoenberger, Robert Devosa, Andrew Alwine, Keith Rollman, James Swarr, Josh Roberts  
Josh Roberts and James Swarr were recording the meeting.

**I. PUBLIC COMMENTS:** There were several residents in attendance regarding the Lemon Street sidewalk replacement.

**President Miller gave the following update on the sidewalk/curb replacement project:** At the last Council meeting it was decided to put together a team to go out and look at the sidewalks on a one-by-one basis. It was recommended by Council to have that team consist of John Schick, Kevin Martin, and Michael Bingham. In the meantime, Tammy Moseman is contacting residents that are impacted by the sidewalk/curb replacement project. Tammy Moseman is gathering information and will submit it to borough council and manager. When all the properties are all assessed by the team, we will then continue discussions. To discuss anything now would be unproductive because we need more information to proceed.

John Schick said he thinks this project is going to go another year. When we start looking at time frames, construction periods, and the work involved for the contractors, it just seems to make sense to wait another year. With the water main project, it is not urgent because the road will be repaired after the work is done and if it has to sit another year to give more time than that would be in the best interest of everyone. Mr. Schick pointed out that construction cost will change, so it is best to wait to get quotes. We will develop the plan and police will bring the drone out and we will gather the information and we can then share the information with everyone and give a full year to have it done. There is no urgency to get the roads done now, so it just makes sense to wait. Mr. Schick said he will coordinate a time with Kevin Martin and Michael Bingham to go out and look at the sidewalks. Michael Bingham said it would not be productive to meet on residents' properties until Council decides if they will go with an 8-inch curb or stay with what is there.

1. Tammy Moseman - Typed up a letter and sent it out to Lemon Street residents and started a group e-mail to keep them informed on the updates of the Lemon Street sidewalks. She will keep the contact information and availability information she received from the other property owners on Lemon Street until it is needed. John Schick said in the next couple of weeks they will work to figure out a good time to get out there. Mr. Schick thanked Ms. Moseman for getting the information. Tammy Moseman asked council if they have looked into updating the sidewalk ordinance. President Miller said the idea has come up, but it has not been discussed yet.

2. Robert Devosa – Asked for an estimated cost for sidewalk/curb replacement because he would like to know how much he will need to have this work done. John Schick told him they will be putting it out to get bid amounts for the work and then he can decide if he wants to go with that price along with everyone else or get someone on his own because the borough will receive a price with prevailing wages. Mr. Schick said costs are changing so often it would be hard to pinpoint a price that will stick. Michael Bingham said even using a standard indexing for cost of construction is not reliable due to the fast rate of inflation we are experiencing. Mr. Bingham said it is going to come down to what each contractor is willing to do, and he recommended getting prices from several contractors that would include removal, installation, and stone sub-base, and for curbing ask for lineal footage cost.
3. Two residents did receive price quotes: (1) 15,000.00 from BR Kreider (2) 12,200.00. John Schick said they should ask for a square yard cost for sidewalk that would include removal, installation, and stone sub-base and for curbing ask for cost of lineal footage. He said it would be good if all the residents compare prices they receive.
4. Samuel Maurer – Asked how the water main project is going as far as connecting the lines and if there are any problems with the private lines. Jeff Moseman said they started yesterday and should continue through next Monday or longer if they come into complications. Mr. Moseman said the new service lines are from the main to the shut off valve and anything from the shut off valve to the house is the property owner's responsibility. Mr. Moseman said they will get a door hanger to end the boil water advisory, possibly on Saturday, after we receive the clear lab test results. Mr. Maurer said there was a phone number for EPA on the door hanger and it was a message with an e-mail, and you could not talk to a person. Mr. Moseman said he can always call the office if he has any questions. Mr. Maurer asked if he could view the meeting minutes prior to them being approved. Council said they are only a draft and are always approved at the following meeting, and they are not allowed to be published until approved by Council and any necessary corrections made, according to the state laws.

## II. AGENDA ITEMS FOR DISCUSSION ONLY:

### 1. Greg Kendig: Mad Chef – Wants Borough to apply for a noise exemption from the Liquor Code to allow Patio Music

Greg Kendig said they currently have live acoustical music inside, and during the warmer months they would like to have it outside. He said the PLCB has clear guidelines for amplified music, which can be superseded by the local municipalities noise ordinance, so they would like to prepare a petition to file with the PLCB to allow the boroughs noise ordinance to supersede the PLCB restrictions for amplified music. He said the music will stay within the 75-decibel range within the prescribed distance from their business and they will be well within the noise ordinance time range of 10:00 p.m because their music will be scheduled from 5:30-7:30 p.m. on Wednesday's. They would like to be able to showcase local musical acts.

Amy Leonard, Borough Solicitor, said that the liquor code provisions that Mr. Kendig is referencing say that he can get an exemption from what is a very restricted provision in the code, if the municipality is willing to apply for the exemption. She said Mr. Kendig cannot apply for the exemption himself and the borough would have to essentially apply for the exemption and has to designate an area that will be exempt. It could be just his venue or if there are a couple of businesses in the same area you could designate a broader area. The borough is required to submit to the PLCB indicating your intention to receive the exemption. They will then review the petition and schedule a hearing. Ms. Leonard said she is not a PLCB attorney, so she is not exactly sure how that hearing process works, and she said they will probably want to hear from the borough as to why the exemption is appropriate and that you have your own noise ordinance you are willing to enforce rather than have the PLCB provision apply. The PLCB will make a decision as to whether the municipalities request for the exemption is granted. There is some language in there saying if he sells the business, you can actually ask the PLCB to rescind the exemption. Amy Leonard said she would be nervous about agreeing to take the work for this because the request is really coming from the business owner himself. She had this come up with another municipality and the municipality suggested the business owner go to their own attorney that would have some PLCB experience and have the application drafted at the business owner's expense. They would then present it to the borough, and they can look it over to make sure everything looks right. Mr. Kendig said he has already reached out to the person who does their RAMP training about this and has asked for suggestions for attorneys that could handle this. Ms. Leonard said the submission would still have to come from the borough. Mr. Kendig said he is thinking of doing this for next spring. All of Council was in agreement for Mr. Kendig to move forward with getting the application together and bringing it back to Council when it is ready for their review.



## 2. **Jeff Moseman/MS4 Presentation**

Mr. Moseman gave the following MS4 Presentation:

Stormwater/MS4 breaks down to Municipal Separate Stormwater Systems which is comprised of conveyance or system of conveyance which is owned by any state, city, town, or village or other public entity that discharges waters to the U.S. Water System and is designated to collect and convey stormwater through storm drains, pipes, and vessels. Due to this, homeowners are required to obtain stormwater, NPDES (National Pollutant Discharge Elimination System) permit. This permit allows for managing, implementing, and enforcing policies that regard to stormwater discharges that will effectively prohibit pollutants and stormwater discharges and any unauthorized discharges. A big part of this program is education and involvement. Stormwater information from the borough can be found on East Petersburg website [eastpetersburgborough.org](http://eastpetersburgborough.org). We put information about MS4 in the quarterly newsletter and we have stormwater informational fliers here at the Community Center and also at the office. We are required to have MS4 public participation events, and we try to have at least one per year covering MS4 topics and these events are typically held during water week (1<sup>st</sup> week in June). In 2022, we had two events: Riparian Buffer Tree Planting Day and Rain Garden Maintenance Workshop. We did these events in conjunction with the Little Conestoga Watershed Alliance who helps spread awareness through different organizations found at [littleconestoga.org](http://littleconestoga.org). They meet the 3<sup>rd</sup> Wednesday of each month at Lancaster Farm & Home Center on Arcadia Road. Mr. Moseman shared pictures from Riparian Buffer Tree Planting Day located at 6495 Hollow Drive near the swale behind Northfield Drive. Many volunteers from the public came out and helped plant 193 trees and shrubs. This planting will help increase water quality. Pictures were shared from both events. Mr. Moseman said the Workshop for Rain Garden Maintenance was held by Chesapeake Landscape Professionals in a classroom setting to learn the process of installing a rain garden and how to maintain it. These classes offer certifications that will help professionals in the field maintain gardens that are environmentally friendly. Mr. Moseman explained that another part of the MS4 Program is tracking illicit discharge, and pollution prevention. Illicit discharge is any discharge into an MS4 system that is not composed entirely of stormwater. This includes household cleaners, motor oil, herbicides, pesticides, trash, organic debris such as leaves, grass and sometimes water. In any of these cases, we need to investigate to determine if any of these pollutants are present, so it does not end up in the bay. The borough flushes hydrants and for this we need to remove the chlorine, so it doesn't get out to the water ways and kill the fish therefore we use dechlorinating tablets to remove the chlorine from the water. This year they found a lot of grass and leaves in the street and these properties were posted with violation door hangers and given information on illicit discharge. There was an incident of spilled mulch on the roadway that was dealt with and remedied. People draining pools sometimes think it is ok to drain water to the street, but it is important to remember to remove chlorine first. One resident was found to have debris on the roadway from backwashing a filter. Spillage of pesticides and herbicides by lawn care companies has been found and they do keep watch for these things and then track down the people who did it. Traffic accidents are monitored if they are near storm drains, and the material and debris are cleaned up. Residents are encouraged to report any illicit discharge to the borough. There is a quick link on the home page of the website, or you can call the borough office and we will check it out.

## 3. **TOA Review:** Michael Bingham said we are still waiting for the blasting agreement to be finalized, they came back with a lot of revisions that were declined. They were trying to make things easier on themselves.

Ms. Leonard said they were trying to shift the insurance and indemnification and general responsibilities to the contractor. The developer has come to us and asked for our approval and part of the plan is for blasting, so her position is if the developer and the contractor want to enter into agreements between the two of them about who is responsible they can do that between themselves, but from the borough's side the developer is the one who is in control of this project and she feels the developer is the one that needs to sign the blasting and indemnification agreement. The purpose of the agreement is to protect the water system including the infrastructure and the wells. She explained if there would be a problem with the project, we need to be able to go to the developer. This is why she has been persistent about the blasting agreement staying as drafted.

Amy Leonard said they are looking for plan approval at the next meeting. She explained in addition to approving the final plans there will be a Developers Agreement – this agreement was prepared by Ms. Leonard and says the financial security will be posted ensuring all the components of the project will be completed to the borough's specifications, borough ordinances, IPMS, borough regulations and this will ensure the project gets done the way it should. There will also be a Water Extension Agreement – this agreement was prepared by Ms. Leonard, and this says they will construct water lines for their project at their own cost and that they will then dedicate the lines to the borough. The agreement requires them to meet all the specification and requirements, etc., and will be inspected accordingly. If these things are not done to requirements there will be required bonds in place. There is an O&M Agreement that refers to stormwater improvements and maintenance. They are required to pay a park and rec fee. She explained that as part of the project they are required to donate land for park and rec, or they have to pay a "fee in lieu of" donating the park and rec space. Ms. Leonard explained all of this will be on the

agenda on July 5<sup>th</sup>, along with the plans. Ms. Leonard said all of this has been reviewed by her and Michael Bingham and explained she has either directly prepared these agreements, or they are standard forms that are used by them. Ms. Leonard explained they are not really looking for a critique because these are the forms that will protect the boroughs best interest and ensure that the project gets done properly. The bonding is already in place it will just be a matter of approving the posted financial security. She just wants to help them understand what they will be asked to approve. Michael Bingham added that he is comfortable with them approving and signing all of these documents and the plans. If we do not receive the blasting agreement, then he recommends not approving the other documents. Karen St. Clair will follow up with Council before the meeting and let them know the status. Council will need to sign the actual set of plans and the Agreements will also need signed by the borough and then this will all go to be recorded with Lancaster County. The plans will not be signed until the blasting agreement is received.

Mr. Bingham explained that that the developers get a Letter of Credit through a bank which is a loan, and they are only paying interest on this while the project is going on. When the project is completed and approved by the borough it can be reduced or eliminated. With the bond, they will be in a hurry because after a stage of a project is finished the developer can ask for approval to reduce the bond amount. The water lines and streets will be dedicated to the borough. Mr. Bingham explained they will have somebody on site when they do the water line and streets, to ensure the work is done properly. The fee is paid by the developer for this. Inspections will have to be passed before the roads can be dedicated and 15% will be held for 18 months as a maintenance guarantee. Ms. Leonard explained that a lot of these requirements come from the state law. Mr. Bingham explained that the plans have also been looked over for water capacity and this was all approved by the water engineer at ARRO. They have submitted the O&M Agreement, financial security, fee in lieu of, and bond agreements, so as of now all the bonds and agreements have been submitted, and we are just waiting for the blasting agreement and after that is submitted and approved, along with the bonds that go along with that, then council can sign off on the plans.

**4. ARLE Grant for intersections SR 72/Miller and SR 72/Enterprise**

John Schick reported the following on the ARLE Grant:

Every year PennDOT puts out an ARLE Grant to which the funds come from red light enforcement in PA. Philadelphia has the majority of these lights on Roosevelt Blvd. The funds collected from these go into a big pot and PennDOT takes this money and distributes it to the host municipality, and the rest goes into a pot for this grant program. Municipalities have the ability to submit to get money for traffic improvements. Mr. Schick said the new signal light at the square was a result of the 2018 ARLE Grant. It paid for 80% of that project. The applications come every June. This year we are looking at the two intersections 72/Miller and 72/Enterprise. The new technology is a radar detection, and it is much better. It actually monitors cars coming to the intersection and detects the speed and distance. It detects the speed of the car approaching and how close it is to the stop bar before changing the light. This is called the dilemma zone when the person driving will have to decide if they gun it or hit the break, this is where most accidents occur. The radar will constantly monitor traffic and extend the green time. It has been proven that the number of accidents has been reduced due to this type of technology. The permits for the signal lights at these two intersections are shared with East Hempfield, so any cost over the grant amount received will be shared 50/50. Radar is more expensive to put in, but it eliminates high costs of replacing loops when they go out. Recently there were left turn arrows put in at 72 and Miller and East Hempfield did pay half of the cost. Walk signals will be replaced with a 3 second advance phase added. Mr. Schick said PennDOT should look favorably towards all of this because it is for safety. A pre-scope was submitted last week, and we are hoping to receive 100,000.00 which will cover most of the 120,000.00 it will cost to update the signals at both intersections. If we receive this grant all the lights except for Lemon Street will be updated.

**5. Accounts Payable**

Reviewed by Council

**6. Misc. Items**

Manager St. Clair

Hempfield Church of the Brethren Ice Cream Social to be held near Constitution Square and Lincoln Court has been moved to the rain date of August 26, 2022.

NNO will be on Tuesday, August 2, 2022, beginning with a bike ride at 5:30 p.m. Free activities from 6:00 – 8:00 p.m. will include open swim, hot dogs, chips, ice cream, goodie bags for the kids, bounce houses, touch a truck. All swimmers 18 years old and under must pass a swim test or have a responsible adult with them at all times.

**7. Fire Co. Financials**

Reviewed by Council.

### **III. Agenda Items for ACTION**

- 1. *It was moved and seconded (A. Gochnauer / J. Schick) with unanimous approval by the board to approve the April 28, 2022, Borough Committee meeting minutes***
- 2. *It was moved and seconded (R. Rannels / J. Herr) with a 5-2 approval by the board to approve the May 26, 2022, Borough Committee meeting minutes, Adam Gochnauer and John Schick abstained because they were not at the May Committee meeting***

### **IV. Committee Meeting Adjournment: 7:08 p.m.**

### **V. Executive Session for legal and personnel matters: In: 7:14 p.m. Out: 8:47 p.m.**

### **VI. Committee Meeting back in session: 8:47 p.m.**

### **VII. Extra Items: Issues arising in the last 24 hours:**

- 1. *It was moved and seconded (A. Gochnauer / J. Herr) with unanimous approval by the board, to add wage changes to the agenda***
- 2. *It was moved and seconded (A. Gochnauer / J. Schick) with unanimous approval by the board, to approve an increase in Kevin Martins salary with retro pay as of March 28, 2022***
- 3. *It was moved and seconded (A. Gochnauer / J. Schick) with unanimous approval by the board, to approve a bonus for Kim Strayer***

Policies for public comment was discussed to establish a written policy to allow for a time limit policy to allow for borough business to be conducted in a timely manner and to allow for every resident to have equal time to speak. This is something a lot of municipalities have whether they are followed or not, and they are something to fall back on. The PA Boroughs Association strongly suggests a policy be put into place for this.

Amy Leonard, Borough Solicitor, said many municipalities have these policies in place and it is not intended to be a stop clock, it is generally a fall back measure for when there is a large group of residents who want to speak about something and you can let them know you will get to every one of them, but you need to keep things moving in an orderly respectful manner and the policy will be followed. If there is a legitimate issue that requires discussion with council, they would not normally be cut off. Ms. Leonard said it can also be used for when you have someone who is being disruptive and you can let them know that they have already had ten minutes, but the meeting needs to move on so business can be conducted. It was discussed to keep it general and just make an announcement when it is needed.

There was a difference of opinion among council regarding whether or not this should be made a policy and whether it should have a time limit or to keep it general or to just make an announcement when needed. Amy Leonard said that this should not be voted on tonight anyway, and it should be talked about after we see if there is an existing policy.

### **VIII. Committee Meeting Adjournment: 9:15 p.m.**

**Next Meeting:** Tuesday, July 5, 2022, Council Meeting & Thursday, July 28, 2022, Committee Meeting

Respectfully Submitted,  
Kim Strayer, Recording Secretary

July 28, 2022

MINUTES OF THE COMMITTEE MEETING  
OF THE EAST PETERSBURG BOROUGH COUNCIL

<b>DATE AND TIME:</b>	July 28, 2022	6:00 p.m.
<b>LOCATION:</b>	Community Center	6051 Pine Street
<b>ATTENDANCE:</b>	Council Members:	Debra Miller, President John Schick, Vice-President Adam Gochnauer, Pro Tem John Herr Lauren Houck Randy Rannels Sandra Valdez Mayor: James Malone (Absent) Borough Manager: Karen St. Clair Supervisor: Jeff Moseman Borough Solicitor: Amy Leonard

Meeting was called to order: 6:00 p.m.

**Moment of Silence / Pledge to Flag**

**Visitors:** Josh Roberts, James Swarr, Tammy Moseman, Anette Rogers, Traci Natale, Keith Rollman, Pat Sherrard, Kim Mause, Jill Snyder, Erin Matthews, Don Schoenberger, Samuel Maurer, Eric Mause, Kenneth Ellmaker  
Josh Roberts and James Swarr were recording the meeting.

**I. PUBLIC COMMENTS:**

1. Pat Sherrard said there was grass torn up at her property on Lemon St. during the water line replacement and asked when the contractors will be coming to repair this. Jeff Moseman said this will happen next Tuesday and signs will be posted for no parking during this time.
2. Annette Rogers said her curbing has markings and asked if that is the only area that needs replaced? She also asked if replacing the curbing will increase the value of her property and raise her taxes? She was told the county is the one who does reassessments.
3. A resident asked what the reveal/height requirement will be. Mr. Schick said that they are sticking with the current existing reveal/height for curbing. Mr. Schick explained that there is not a stormwater issue, so the existing height will be ok. The resident said the property at State and Main has sidewalk/curbing that is in bad shape. Mr. Schick explained that is not within the scope of this project.
4. Tammy Moseman has a small spot where sidewalk is missing and asked if they can repair it themselves. Mr. Schick said he will come out and take a look at this.
5. Kim Mause asked if the part of the curbing that the borough is responsible for is marked. Mr. Schick said yes. He said for purposes of estimating to estimate 5 feet back from the alleyway.
6. A resident asked if they should still get quotes. Mr. Schick said the residents might get better prices, so it would be a good idea and it will give you an idea of what the cost will be. Mr. Schick pointed out that they should show the spec that they will receive from the borough to the contractor to be sure the work is getting done properly.

## II. AGENDA ITEMS FOR DISCUSSION ONLY:

### 1. John Schick: Lemon Street Sidewalk / Curbing Update

John Schick said that Michael Bingham, Kevin Martin, and himself went out to re-evaluate the sidewalks and curbing on Lemon Street. They put pink dots where the replacement is needed. He said that 80-90% of the curb is still good out there, but the driveways are not good because the slopes coming into the driveways don't meet the 8% max slope grade. The majority of the aprons are depressed, and water sits there. Although some areas of Lemon St. curbing are great, a lot of the sidewalk has sunk. Mr. Schick explained that the federal ADA requirement is a maximum 1/4-inch difference between the walk and the curb, or the piece of sidewalk is considered a trip hazard. He said they tried to minimize the amount of sidewalk that needs replaced. If sidewalk looked rough but the grade was fine, they did not mark it. They based it on structure and not aesthetics. Mr. Schick pointed out that it is cheaper to replace sidewalk than curbing. The church was in better shape and looked as though they had their sidewalks replaced at some point in time. The police offered to fly their drone to get us a base map and we hope to see the dots on this, so we can create a drawing. We will put together a quantity of square yards of sidewalk, lineal footing of curb, driveway aprons and then put this into a bid package and put it out to bid. We will then receive prices for the whole project which will include prevailing wages which is 15-20% higher, but because of quantity you might get a better deal. The residents will all have to go along with this to get the price from the bid because the price will be for the whole project. Mr. Schick said foaming is an option as a solution for residents to individually consider when repairing the sidewalks, but the borough will not be adding this option to their bid package. Mr. Schick said the state makes the requirements and we need to comply to avoid any lawsuits. He pointed out that this is a real issue for people in a wheelchair. The ramps at the intersections and public alleyways will be done by the borough. Mr. Schick said some of the property's previously had a driveway but have turned it into sidewalk and it will need to be determined if they want to keep it this way. Manager St. Clair said that Chief Steffen is ready to schedule the drone asap.

Mr. Schick said he will make himself available to meet with any of the residents on Lemon Street to answer any questions. Ms. Moseman said according to the availability shared by residents on the e-mail group it will work best for him to come out on a Monday or Wednesday and there are approximately 20 residents that would like to meet with him on each of these nights. Mr. Schick explained that when residents are ready to have the work done, they will need to contact the borough office, but there will be no permit fee charged and the borough engineer will be out to inspect 24 hours prior to pouring the concrete. Mr. Bingham will be inspecting to make sure there is the right amount of stone, thickness, and wire mesh and to be sure the contractor is doing the work properly. Mr. Schick said we are most likely looking at August of 2024 for sidewalks, so the road can be repaved October 2024, before the end of the season.

### 2. Review Borough's current Sidewalk Ordinance, does it require an amendment or just clarification?

Amy Leonard explained that the existing ordinance is from 1958 and it was then amended in 1989. She compared these ordinances with the borough code and found there has not been many changes in regard to setting regulations for construction of curbing and sidewalk. She said what was missing was a general statement of authority and what borough council is permitted to do, and what streets require sidewalks and curbing. She suggested adding a general statement as it appears in the borough code as it relates to the boroughs authority to require these things. The notice timeframe is 30 days, and this will remain the same. Ms. Leonard said that the borough ordinance states if you do repairs or installation, it should be done in a way that the work should last 10 years, therefore the boroughs position would be if sidewalks were installed to meet this provision, they would be ok for 10 years. It was pointed out that it refers to the borough manager/secretary and they are synonymous, so designee will be added to the wording, along with making it gender neutral. The next action would be to advertise the ordinance amendment. Council agreed to move forward with this.

### 3. Adam Gochnauer / Agreements

Mr. Gochnauer said that there are 2 agreements being released for council and the public tonight. He said these agreements took longer than he hoped, and they were not legally able to discuss them. He said that at the end of this year the agreement between East Petersburg Borough and HAFSC will end unless the borough renews. He has been trying to get government out of what belongs to the firefighters. He feels the concept for the commission was right and the borough had to step in to help set this up, so they did, but now its time to hand it over to the professionals. He thanked Randy Rannels and Tammy Moseman and said they did a great job, and he felt bad when they said they felt as though they were not making a difference. Mr. Gochnauer explained that a few months ago the fire department said they would like to take over the responsibilities of the commission. The fire company appreciated what the resident at large and the borough councilmember were doing, but said they would like to negotiate their own deals for equipment, apparatus, etc. Mr. Gochnauer thanked Kris McCauley and Tom Enlow for the countless hours spent with Amy Leonard, Manager St. Clair, and himself to work on this

agreement for many months. He thanked Amy Leonard and Manager St. Clair for their hard work on this also. He explained that a lot of the firemen have fought for this deal, and they support it. Mr. Gochnauer said the agreement between East Petersburg Fire Dept. and the Borough basically says that we are turning the fire services commission over to the Fire Department exclusively, and the borough is backing out and they will be taking over full responsibility of the commission. This will give the fire dept. great negotiating power for the new equipment replacement and allow them to negotiate a deal they think is best for them and it will be more direct. They will be representing the best interest of the borough. Ms. Moseman and Mr. Rannels will no longer have the stress of feeling that they are not making a difference and will no longer be required to attend the meetings. The fire department will appoint people in their best interest, and they are excited to get this going. The fire co. has agreed to everything and has given their power to the executive board to go along with this. This will officially be voted on at the next council meeting.

Adam Gochnauer said that 20-25 years ago when the fire department built their new building they came to council and said they wanted to join with council and build a municipal center, but at that time council wanted nothing to do with it. Mr. Gochnauer said during their talks he wanted to revisit this, and they came up with an agreement that ties in with the fire service agreement and the borough will move their operations into the fire company space. There is select space we have mapped out with the fire company of rooms they are not using, or will transition, and the borough employees will move into this space. It will accommodate ADA and be on one floor and there is parking; all things we do not have now. The space will be shared with the FD. The police will have an office to use if they stop in also. The agreements are set to open up January 1<sup>st</sup>. There are renovations and securities that will be needed before this move takes place. There are some ideas about the existing office buildings and properties, but we are not ready to work on this yet. Tammy Moseman asked if the overage that EP paid is going to be given back. Manager St. Clair said that they do not go by the budgeted amount, they go by the actual, and she has tried since November to get this back and will continue if that is what Council wants to do. Mr. Gochnauer said as much as he wants to get this back he feels if we can't get it back easily and attorneys get involved, it could start the fire department off on bad terms when they take this over. The agreement is for 5 years and there is a renewal. The borough will pay no more than 1.00 per year to lease the fire department office space. There will be a building maintenance fee paid to the fire department and the borough will help pay for improvements to the building.

Tammy Moseman asked who will pay the wages for Chief Kottmeyer and Diane Garber. Mr. Gochnauer explained that Diane Garber is separate from HAFSC, and Kottmeyer will be the fire departments responsibility. We are allocating funds to the fire department with their monthly check, and they will be responsible for John Kottmyer.

James Swarr asked if Hempfield Board will be part of the fire commission. Mr. Gochnauer said yes, and he struggled with this, but the fire department really wants to make the deals for themselves and feel they can do a good job.

Josh Roberts asked how this impacts the millage rate. Mr. Gochnauer said we don't need to increase anything, and the funds are there already, they will just be allocated differently. It will be up to the fire department to make their own decisions on program costs. Mr. Roberts asked how he will get the information about the HAFSC. Mr. Gochnauer said that the new commission will most likely put together a new agreement and it won't be us doing it. Mr. Gochnauer said the relationship between the fire department and the borough is very strong and we have agreements to continue this. President Miller thanked Adam Gochnauer and Manager St. Clair for all of their hard work on this.

#### **4. Review Draft Public Comment policy**

An agreement was not found so Amy Leonard put a policy together. Ms. Leonard explained that part of this policy states that the borough follows the sunshine laws and some very general policies. There is a comment section that allows for allocated times if needed, and limits repeat of comments and suggests if there is a large group speaking on the same topic, that a spokesperson be designated to speak for the group. The president can call for order if the meeting becomes argumentative or there is significant disruption, and it is very rarely used but if a person essentially prevents business moving forward, that person could be removed. Comment period is discretionary and can be determined or defer the comments to a special meeting to allow for business to proceed. Lauren Houck said we have had special meetings in the past when we knew there was going to be a large turn out and other municipalities have done this also. We do not currently have a policy written for this and it is good to have a format to follow that is standard to the other municipalities.

Adam Gochnauer asked Amy Leonard, if we did not put this formal policy in place would the council president have the ability to do any of this now? Ms. Leonard said a council president is not limited without this, but this will formalize what discretion the council president has and what general actions can be taken. Legally the borough is required to follow the sunshine act, but it is common for municipalities to have policies to defer to when there are large scale issues that create large groups of people that want to talk on the same subject, or when things get

heated. It will give guidance on discretion to the borough president. Mr. Gochnauer asked about the part that says confirm they are a resident or taxpayer. Ms. Leonard said it doesn't say that you can restrict them, it just says that you can ask them if they are a resident or taxpayer. Ms. Leonard said you cannot stop someone from making a comment and that is not the intent of this she put this together to give some general guidelines and it does not give restrictions on time a person can speak, nor does it say you cannot make a comment if you live outside of the borough. Mr. Schick said they have always let anyone who wanted to make a comment do so, regardless of if they are a resident or not and that he would not want to change that. President Miller said that when they looked at the policies other municipalities have in place, they found that many have time limits of 3-5 minutes, and we have no intention of doing that, but it is recommended by the PA State Boroughs Association that we have a policy in place to maintain decorum and to keep the business meeting moving. Sandra Valdez said if it is just to fall back on, she is ok with that. Randy Rannels said he is in favor of the written policy, and he likes that there is no limit set in stone. John Herr said a lot of residents have asked for our policies to be put online and thinks the policy will help and he likes that it does not limit people's comments. Lauren Houck said it is a public meeting procedure and there are 5 items it covers, and public comments is only 1 of the 5 items, so it is not solely about how the meeting should proceed and as Ms. Leonard said the drafted policy can be changed if needed. Amy Leonard explained that this policy would show that you all agree on the discretionary items, but it covers a lot of the sunshine act laws and gives guidelines to follow. Mr. Gochnauer pointed out that this policy does not change or add to how the meetings are run, so he doesn't think it is necessary. He said he feels this policy could be used in the wrong way. Lauren Houck said she sees it as informative and kind of like following a manual and it covers what we need to do under the sunshine law and pointed out there is currently nothing in writing for meeting procedures. Tammy Moseman voiced concern for this policy and said she feels this is in retaliation for residents wanting to speak up at a recent meeting regarding the sidewalks and it was said that it should be limited to three minutes. Mr. Schick pointed out that the drafted policy does not set a time limit and he is happy about that but does not think the drafted policy would add to anything and feels it is the citizens rights to speak out and thinks they should allow everyone to do what they want, and they already follow most of this. James Swarr said that Deb Miller was recorded saying that there would be a 3-minute time limit for comments after the outburst of residents regarding sidewalks on Lemon Street. President Miller asked how he got this recording because this was talked about during a recess of the meeting. Josh Roberts said it was a public building, so when he went outside, he left the recorder on in the building during the recess. Josh Roberts said he feels this is a power move and a retaliation move because the sidewalk meeting got out of hand. This was tabled.

**5. Discuss "food truck vendors" for Borough events**

Erin Matthews with Events Committee said that their vendors are required to sign a contract to be at their events and they do pay to be there. At the 4<sup>th</sup> of July event there was a Mr. Softy ice cream truck parked on the street and he did not have a contract with the events committee to be there. He did have an operation permit, but it was expired. They explained to him that all the vendors had a signed contract to be there, and he was very rude and did not leave. Ms. Matthews asked if there is an ordinance for this. Manager St. Clair said she did look this up and there is nothing on the books for this and council would have to decide if they would like to establish regulations for this. Amy Leonard said right now we cannot regulate food trucks in any way because there is not an ordinance. It was asked if parking could be blocked off at the park to eliminate food trucks parking close to events on the street. Randy Rannels said under the emergency management plan, cars should be parked along the street bordering the park as a level of security. Mr. Rannels said this has not happened before and this man was approached respectfully, but he was rude about it. Amy Leonard said that this does not fall under transient retail business and the solicitation ordinance is not set up for food trucks, so if council wants to regulate them, they will need to do a separate ordinance for this. It was discussed that signs could be hung in this area for reserved parking, and it will be up to the events committee to decide who parks there. It was also discussed that an announcement can be made to people attending the event to let them know to support the vendors participating with the event. A list of participating vendors could be hung as well.

**6. Review Account Payables 07/28/2022**

Reviewed by Council. There were no additions to the regular bills.

**7. Manager St. Clair: Review 2Q22 financials**

General revenue:

Above budget

Total revenue 1.9 million

Cash balance as of June 30<sup>th</sup> 2,174,420.00

General expenses:

Under budget at 52%

Total expenses as of June 30<sup>th</sup> was 1.2 million

Net income 688,000.00  
 Water Operating fund revenue:  
 At 60% of revenue  
 Total received as of June 30<sup>th</sup> 517,000.00  
 Cash balance as of June 30<sup>th</sup> 743,000.00  
 Water Operating expenses:  
 Under budget at 31%  
 Total expenses as of June 30<sup>th</sup> 276,000.00  
 Net income 241,000.00  
 Trash fund revenue:  
 At 49%  
 Trash cash balance as of June 30<sup>th</sup> 146,000.00  
 Overall expenses at 50%  
 Expenses 232,000.00  
 Net income of 9,600.00  
 Street Sweeping:  
 Maintenance down by half  
 Income was 13,000.00  
 Net income is negative 1,000.00 because of billing cycle, this will change coming into the 3<sup>rd</sup> qtr.  
 It was asked if fees were increased to include the increase in fuel costs. Adam Gochnauer said that when the contracts were signed, they were locked into the same price and an increase will take effect next year.  
 Cash balances:  
 5.9 million – Fulton  
 2.1 million – investments with Edward Jones  
 Receivables:  
 As of June 30<sup>th</sup> 137,695.00  
 110,000.00 – current  
 18.77 – 90 days  
 3,100.00 – 60 days

**8. Manager St. Clair: Review Borough Holidays for 2023**

They are all the same except Presidents Day was added because there was a gap from January through April without a break and not everyone earns a vacation right away. It will not cost the borough any extra money for this. This will be voted on at the next meeting.

**9. Manager St. Clair: 2023 Budget: Preliminary review for General/Water/Trash**

Manager St. Clair reviewed the 2023 preliminary budgets for General, Water & Trash Accounts with Councilmembers.

**10. Misc. Items from Manager or Borough Council**

Manager St. Clair

Received final SCADA grant money in the amount of 41,310.00

Pickle Ball proposal received by resident was shared with council.

ARRO is looking to have a company picnic in September, and they would like to have a dunk tank - a certificate of insurance will be needed for this.

NNO will be held Tuesday August 2<sup>nd</sup> from 6:00 – 8:00p.m. Bike ride at 5:30 p.m. NLCRPD will have a table and 5-6 police officers will be there.

President Miller

Recycling grant has been signed.

Lancaster County Magazine featured a picture of East Pete Pool along with the article "Learn to swim; exercise for Life".

John Schick

Mad Chef follow up on outdoor music: Last month the LCB changed their regulation a few days after Mad Chef came to the last council meeting; outdoor music is now allowed within the 75 decibels. This will allow them to have the music they wanted to have.

Is borough interested in purchasing a new radar sign \$3,000 – \$6,000?



It was pointed out that NLCRPD received a grant for radar signs, and it shows time and plate number, we just need to request them. Manager St. Clair and Adam Gochnauer said they will ask NLCRPD at the next meeting they attend with them.

**11. Fire Co. Financials**

Reviewed by Council.

**III. Agenda Items for ACTION**

1. *It was moved and seconded (A. Gochnauer / R. Rannels) with unanimous approval by the board to approve the June, 2022, Borough Committee meeting minutes*

**IV. Extra Items: Issues arising in the last 24 hours: None**

**V. Committee Meeting Adjournment: 9:24 p.m.**

**VI. Executive Session for legal matters: 9:37 p.m.- 10:41 p.m.**

**Next Meeting:** Wednesday, August 3, 2022, Council Meeting & Thursday, August 25, 2022, Committee Meeting

Respectfully Submitted,  
Kim Strayer, Recording Secretary