

MINUTES OF THE COMMITTEE MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	January 26, 2023	6:00 p.m.
LOCATION:	Community Center	6051 Pine Street
ATTENDANCE:	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:	Kevin Martin

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

Moment of Silence / Pledge to Flag

Visitors: Lisa Murray, Tammy Moseman, Josh Roberts, J. Michael Roten, Susan Ruslevage, and Collin Fox
Josh Roberts was recording the meeting.

I. PUBLIC COMMENTS:

1. **Tammy Moseman** said some of her neighbors still have questions about the sidewalk replacement. They are wondering if it is just a small divot in the pad can they repair it themselves? It was pointed out that when you cut a small section, it creates more joints, and they can sometimes wear out. Mr. Schick said they have been out there many times to answer questions and have lessened the number of areas to be replaced as much as possible, and what is marked now is what needs replaced. At this point if anyone feels they have a good case they should contact the borough office to speak with the zoning officer about their questions or concerns. Collin Fox, zoning officer said he has been assisting residents with questions about the sidewalk repairs and has even issued some permits for Lemon Street sidewalks. Ms. Moseman will let her neighbors know to contact the zoning officer at the office.

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. **Lisa Murray 1680 Stevens Street: Airbnb Request**

Lisa Murray said she and her husband own the property at 1680 Stevens Street. She stated they previously had an in-law apartment for her parents in her home. She stated they have been using that space as an Airbnb since 2019. They only have 1 - 2 people stay at a time and they haven't had any issues. She received a letter from the borough informing her she was out of compliance because of running an Airbnb in a R-1 district. She said her neighbors do not have a problem with this and there have been no complaints filed. She would like to continue to run the Airbnb because she is retired, and this is supplementing their income. She has met with Collin Fox, the zoning officer about this and also attended a zoning hearing mtg regarding a home occupation. After the meeting she spoke with ZH board members, and they told her they did not think the idea of Airbnb in an R-1 district would go over well. She does not want to spend \$750.00 on a zoning hearing if it will not get approved. Mr. Murray explained she came to this meeting to find out what she can do to change this and hear Council's thoughts and concerns. She said that Airbnb's are gaining popularity and she would like to see a change made to allow for them in residential areas.

Amy Leonard, borough solicitor, explained that Council does not have jurisdiction to give her approval for her to continue to violate the zoning ordinance. Ms. Leonard said if she wants to continue with this use, her only option

is to go to ZHB and request a variance of the ordinance. Ms. Leonard said she can ask Council to consider changing the ordinance or address short term rentals, but it would be up to Council to decide if they want to look into this further and consider a zoning amendment. Ms. Leonard explained that her use falls under a Bed & Breakfast use and it is not permitted in the R-1, R-2, and R-3 districts; it is only permitted in commercial districts. Ms. Leonard said what she is looking for is for council to amend the ordinance and allow that type of use in other zoning districts. Mr. Schick said if you allow for this you would be increasing the density in the single-family R-1 district to a higher density area which could end up turning into an R-2 district and this would take away from the traditional style R-1 district.

John Schick said in 2015 the zoning ordinance was updated and the process took 2 ½ years. During the process, there was a lot of discussion about Airbnb's, and it was agreed that it fell under the umbrella of bed and breakfast. Adam Gochnauer pointed out that the ordinance was looked at and updated for this at that time. It is a lengthy process to update the zoning ordinance and would require review by EP planning commission, legal counsel, LC planning commission, borough engineer and public meetings and it is costly. For her to get a variance right now, she would have to follow the procedures and go to the zoning hearing board. Mr. Schick pointed out that a lot of these rentals are flying under the radar because they don't have to register with the county or state and properties are being bought just for this use. Hotels pay a lot of taxes to allow for this. Collin Fox said that the ordinance could be made specific for this use and tailored for the borough. John Schick told Ms. Murray the process to ask for a change of policy is to submit a letter to Manager St. Clair requesting Council direct Planning Commission to review the ordinance. Amy Leonard said if a change is made to the ordinance, it should require a special exception at a zoning hearing to avoid creating a situation where a whole block becomes Airbnb; special exception would not guarantee an approval. Any change made to an ordinance even one line requires the whole process has to be followed to update the ordinance.

Adam Gochnauer said if you do this for one you will have to do this for everyone and not all experiences with this have gone well. He pointed out that during past discussions while updating the ordinance, residents were concerned with larger amounts of people staying in bigger homes and partying. Mr. Gochnauer said that unfortunately you have to have ordinances to protect the good people in cases when things don't go well, and not all experiences have gone as well with this as it has for the Murrays. He said this is nothing against the Murrays, but we do have to follow what is in the books the same for everyone.

John Herr said that at times Airbnb's companies can come in and buy up properties for this use and that then it raises property values to the point it effects affordability in the community.

Debra Miller asked if there are any other uses that would be allowed for her, such as a church sponsored housing? Amy Leonard said she would have to look into this and said this might then be considered a multi-family dwelling.

Susan Rusleveage owns the adjacent property of this Airbnb, and she has had no issues with them having an Airbnb or with the people who have stayed there. She pointed out that some of them have been medical professionals who are here for temporary work. She said it might be good to look at what other municipalities are doing.

2. Review Stormwater Ordinance

Collin Fox, Zoning Officer - Stormwater Ordinance is being updated as a requirement of the 2022/2023 MS4 permit from DEP. For residents, there are not many changes. One change is residents will no longer be allowed to discharge de-chlorinated pool water into the stormwater inlet. DEP recommends treating pool water to dechlorinate it and then discharge/ infiltrate water onto your own property in the grassy area.

As always, car washing with cleaning agents must be done on grassy areas. Car washing facilities are still the safest option for stormwater.

The other items of change are more for development and re-development. The classic requirements for sw permits and sw exemption are the same. Amy Leonard explained that this ordinance is a repeal and replace. This is on the agenda under action items for advertisement.

3. Jeff Moseman/Jennifer Guzejko: DCNR Grant Park Updates

As directed by Council at the last meeting, pricing was received for items in the grant. The most recent cost opinion is: \$273,245.26 which includes replacing existing curbing and sidewalk in front of community park, concession stand and park bathroom remodel with new 6" lateral, ADA walkways, ADA path to the park, and a

sidewalk leading up to bathroom. Additional ADA parking will be added in parking lot – approx. cost 3,500.00. The concession stand items still need added in for the grant.

Council reviewed different options of playground equipment and went with the items that would hold up well and would be less likely to be damaged if vandalized:

- o Burke Nucleus NU-2858 – play set \$88,001.00
- o Merry Go-All \$9,407.00
- o We-Go-Spring (ADA) \$20,000.00 (plus path and installation costs)
- o Lady Bug Spring Rider (ADA) \$1,180.00
- o Swing Along Seat for parent and child to swing together \$1,137.00 (it was pointed out that there is already one ADA swing at the park now)

Including MS4 items and using recycled items are a requirement of the grant. Recycled park benches and rain gardens with education will be added to cover this.

As a reminder it was pointed out that the recent pickleball grant the borough submitted was not awarded. Council was in agreeance to keep the pickleball with additional parking out of this grant application because there were already several approved for this at other parks, and this could hinder the grant being awarded. The grant is an all or nothing, changes cannot be made. Some municipalities have received complaints about the sound of pickleball courts that are located near homes, and this is part of the reason grants are not being approved for this item.

Public meetings will need to be held prior to submitting the grant application. April 5th is the deadline to submit - all the information must be included with the final plan and no changes can be made after submission. Decision will be made late Fall 2023; grant monies will come in Spring 2024. We will need all in-kind commitments, including monetary and service time, before grant is submitted. A sponsor board will be added to the concession stand for in-kind services. The grant is a 50/50 split; a total of \$500,000.00 was budgeted for including funds received from TOA for fees in lieu of are in park and open space, and a surplus in general.

Concession stand will be made smaller because the larger equipment is not needed. This space will include a refrigerator, stove and will be state certified.

Need to look into cost of wood mulch, rubber mulch, rubber paving and add into grant. Concession stand equipment and toilets/sinks need added into the grant.

4. Review quotes/plans for Office Renovations

Mike Roten with the Fire Department said they are working on moving some things around at the fire department to make space for the new offices. Kevin Martin reviewed the plans for new offices at the fire department with Council. There will be 7 office areas (including one for the police), 2 ADA bathrooms, IT closet and a storage space. The space being used for borough offices will be approximately 1700 sq. ft. All borough offices will be secured and will be accessed with key fob door locks. There is a shared meeting room for the borough and FD's use.

Three proposals were submitted with preliminary bids (timeline for all was approximately 3 months):
Simeral in the amount of \$239,990.00 (changes have been made so this is no longer accurate) and some of the pricing is not included.

Speedwell Construction – \$260,498.26 (with possible alternates added in)

Professional Design and Construction – \$300,000.00 - this company did the work on the original building.

Mr. Martin said after reviewing all the quotes they are all very close. John Schick said it might be a good idea to have a not to exceed amount. He was told the cost should not exceed \$300,000.00. Mr. Roten said the fire company did give approval to move forward when they met last. The quotes are preliminary and some items in the plans still need to be fine-tuned, but this is just to give council a general idea. The agreement with the fire company is that the borough will re-imburse them.

5. Kevin Martin/Jeff Moseman: Pine Street – making it one (1) way

In October, Council asked Jeff Moseman and Kevin Martin to take a look at the section of Pine Street between State St and New St, to see if there is a need to make it one-way. Kevin Martin and Jeff Moseman presented images of approaching intersection from all directions and discussed with Council possibly making Pine Street one way only heading south. It was pointed out that changing the street to one-way will eliminate people having to wait because only one car can get through there at a time, but it will not make it easier for the emergency vehicles, snowplow, and street sweeper. It does not appear that there is enough off-street parking to allow for parking on only one side. A traffic engineering study would need to be completed to justify the traffic change.

Once a decision has been made about this, an Ordinance will need to be drafted to implement this change. This should be decided before the street gets done. A letter would need to be sent prior to any changes.

Public works would like to be able to post this area to allow for street sweeping one day each month for no parking for 2 hours, in hopes of gaining compliance – a letter would be sent to residents. It was pointed out that this could cause resistance.

John Herr will talk to his neighbors on Pine Street to gauge how they feel about all of this.

6. Discussion with how to move forward with the Borough office, PW Building and 6060 Rental

It was agreed by all Councilmembers to move forward with selling the three properties separately as is. The borough will still have an easement at 6060 Main Street which means after it sells the new owner would own the property, but the borough owns and maintains the area with the stormwater facilities.

If properties were demolished and used for parking the properties would be worth less and there would be an expense for demolition and maintenance of lots. The land at 6040 Main alone is assessed at \$55,000.00 with the house it is assessed at \$165,000.00. It was agreed it is more profitable to sell the properties separately with the buildings and the profit can be used to pay for the move to the new offices. Selling could also create a greater tax base. The properties can be sold by public auction or sealed bids. Manager St. Clair will look into getting appraisals on the three properties.

7. Review Accounts Payable

No additions to the regular bills.

8. Review 4Q 2022 Financials

Manager St. Clair reviewed the 4Q 2022 Financials for Water, General and Trash with councilmembers. Auditors will be in the office the week of February 13.

9. Misc. Items

Manager St. Clair

Good's Disposal Service is documenting what residents are putting out – if it is over or if it is not out – it is put on a list and submitted to the borough office weekly. Residents are allowed 3-32 gallons bags/cans each week (a total of 96 gallons). Each extra bag or container of 32 gal. needs a tag - a 96 gal. container would need 3 tags. Becky with NLCRPD is asking East Petersburg Borough and the 2 other municipalities they cover if they would be willing to contribute \$2,000.00 towards the chief's retirement party. It was discussed that when the previous borough manager retired it was a potluck and no tax dollars were used, so this would not be appropriate use of funds.

Debra Miller

Received a call from a resident who asked why there is not a marked crosswalk at Lemon and Larch Street. It was pointed out that there is already a marked crosswalk nearby at Edgemont & Lemon Street which is only one short block away. Kevin Martin, PW Supervisor said he did talk to this resident 2 years prior about this same thing.

10. Fire Company Financials & 2022 Fire Report – for review only

II. ACTION ITEMS:

1. *It was moved and seconded (A. Gochnauer / J. Herr) with unanimous approval by the board to approve the October 27, 2022, Borough Committee meeting minutes*

2. *It was moved and seconded by (J. Schick / S. Valdez) with unanimous approval by the board to Table the PA Classics: Soccer Tournaments for 2023*

Amy Leonard, Solicitor is going to review this and check if the context pertaining to indemnify and hold us harmless is correctly worded. This will be put on the Council agenda.

3. *It was moved and seconded by (A. Gochnauer / S. Valdez) with unanimous approval by the board to approve New Office Renovation plans and to Approve Re-imbusement to East Petersburg Fire Company in accordance with the Proposal submitted by Contractor*
4. *It was moved and seconded by (J. Schick / R. Rannels) with unanimous approval by the board to advertise Ordinance 323: Stormwater Management*
5. *It was moved and seconded by (J. Schick / A. Gochnauer) with unanimous approval by the board to approve Resolution 858, giving Manager St. Clair and Debra Miller authority to sign ARLE grant contract*
6. *It was moved and seconded by (R. Rannels / A. Gochnauer) with unanimous approval by the board to approve Resolution 859, giving Manager St. Clair authority to sign the Bioswale Meadows Project Agreement*

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

IV. **Committee Meeting Adjournment:** 9:35 p.m.

VI. **Executive Session for legal matters:** 9:35 p.m. – 10:12 p.m.

VII. **Council back in Session:** 10:12 p.m. – 10:13 p.m.

1. *It was moved and seconded by (A. Gochnauer / S. Valdez) with unanimous approval by the board, to approve Letter of Interest to become a Charter Member of the NLCRPD Commission*

Next Meeting: Tuesday, February 7, 2022, Council Meeting & Thursday, February 23, 2023, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary