

**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 Murrys. He said this is nothing against the Murrys, 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 Ruslevage 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-imbursement 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

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

DATE AND TIME:	February 23, 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 (Absent) Lauren Houck Randy Rannels Sandra Valdez
	Mayor:	James Malone
	Borough Manager:	Karen St. Clair

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

Moment of Silence / Pledge to Flag

Visitors: Michael Bingham, Amy Leonard, Tammy & Jeff Moseman, Jennifer MacNeill, Natalia Latsios, Josh Roberts, Cortney Pokrop, Kristin Troop, Erin Matthews, James Swarr, Megan Shank, Lori Ann Lockard, Dereck & Alyssa Duffy, Amy LaPorte, Luis Rivera, Samuel Maurer IV, Susan Roslevege, Sarah Mayheim, Brad Raush
Josh Roberts and Jimmy Swarr were both recording the meeting.

I. PUBLIC COMMENTS:

1. Josh Roberts said Lancaster County now has pulse point which is an app you can download and if someone has a cardiac arrest at a public place it will alert those who have signed up that are CPR able or have access to AED.

Josh Roberts asked if the borough receives a report from the fire commission. Mr. Roberts said he has been checking EH website and has not seen that they reorganized yet. Tammy Moseman said she heard that the commission meetings were being held with the chief meetings. Adam Gochnauer said he does have this on his list to address with them and he would like to receive a report each month from an EP representative on the fire commission.

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. Cortney Pokrop – Propose change for ordinance for backyard hens

Cortney Pokrop said she would like backyard hens to be reconsidered and the term chicken be taken out of livestock in the existing zoning ordinance, to allow residents to be more self-sufficient by having hens. She said there is an upfront cost that takes years to get back, so this is not for saving money initially. She said some of the benefits of keeping hens are: they eat scraps, bugs and ticks and then put the fertilizer back in the garden to complete the circle of self-sufficient living, and it decreases some of the worry about food shortages. She is proposing to allow (4) four hens per household, no roosters, and the hens must be in a coupe with a run, in backyards only, with fresh food/water & a clean coupe must be kept at all times. The hens only need 4 sq. ft.; 4 hens would require 40 sq. ft. Ms. Pokrop said the state of PA does not include chicken in livestock, they are categorized as poultry, but this could include quail and pigeons, therefore it is best to just use the term chicken. She said chickens are not noisy (only roosters are), chickens in minimal amounts do not contribute to disease (larger populations do). Several municipalities in Lancaster and York county do allow chickens. She shared an ordinance for chickens with council from another municipality that she thought covers everything very well. Ms. Pokrop started a Facebook page in support of hens and there are approximately 80 members.

A resident said she raised peeps as pets at her home to adulthood and then found out she was not allowed to have them and gave them to a friend who had a farm. She did not have any complaints from neighbors about them.

A resident said she was a former chicken owner, and she said the benefit she liked most was giving the scraps to the chickens. She said people who take care of their property will take care of the chickens.

Natalia Latsios, a property owner in the borough who is currently renovating a home on Lemon St. said she thinks it would be beneficial to have chickens because it would get people outdoors more and save on food waste.

Mr. Santiago, a resident of the borough, has a family of eight and is planning on homeschooling. He would like to use chickens as part of the schooling curriculum along with his garden. Having chickens would also benefit his family by raising their own food.

Samuel Maurer IV, a resident of the borough, said he was previously the zoning officer for Manheim Twp., and he used to get complaints about people having chickens and the smell being bad, due to people not cleaning the manure. Mr. Maurer pointed out that chickens are allowed in East Petersburg Borough on properties that have 5 acres or more. Ms. Pokrop said maybe it could be put in the ordinance that people with recent property maintenance violations could not have chickens to eliminate possible issues.

Tammy Moseman, a resident of the borough, asked who is going to monitor the possible violations and asked if feral cats would be predators for chickens. Ms. Pokrop said the coup and run would safely secure the chickens. Ms. Moseman said she would like more information on the diseases chickens can carry to be shared with residents especially for those who have health issues.

A resident said they had chickens and cats, and never saw a cat go after a chicken. He also said the state of PA classifies chickens as domesticated animals, along with pigs. He said there was a court case in Fayette County in regard to someone keeping chickens and the ordinance saw chickens as livestock. Michael Bingham, Zoning Officer, said he is familiar with this case, and it was because of the language in the ordinance that did not specify chickens as poultry, but East Petersburg's ordinance does. This resident said they want to follow the rules and have the borough give direction and allow them to do it legally.

Michael Bingham, Zoning Officer, said he did have chickens growing up on a 5-acre farmette and they are a lot of work and they do smell, and they need cleaned after every week and most people do not, so you end up getting inches of manure that you have to take care of. The waste from chickens is known to carry bird flu, salmonella, bacteriosis, e-coli, and histoplasmosis which is spread through the air. He said that if you do not have roosters and only keep hens sometimes one of the hens will take the dominate role and act as the rooster and crow. He said if you remove chicken from livestock and we allow chickens then what will be next. The line has to be drawn somewhere and it was previously drawn at chickens. The cost to re-write the zoning ordinance could exceed 20,000.00. He stated it would have to be submitted for the entire borough to review, and although there are 80 people in support of chickens, we have multiple thousands of people who live in East Petersburg Borough. If we allow chickens who would be responsible to regulate them and check on them. That's likely to be the zoning officer. This is a tremendous amount of work when you already have a full load to begin with, and this would cost taxpayers a significant amount of money. Mr. Bingham said compost can be a great way to not waste leftover table foods. Mr. Bingham stated if you want to have a farmette or 5 acres, a township is where you would want to be. He received a call from someone asking to have a small horse, because it was the size of a dog. Many of these animals including cows are classified as domesticated, it just means they have been breeding them over many years. He has received many complaints even in municipalities where they are allowed to have them. Many people do not want to live next to a barn animal. He said there are a few properties in the borough that do meet the 5-acre criteria. He said chickens do get out and run into other properties at times and said he does not feel chickens are a good fit for a borough. If they were allowed, there would be setbacks and regulations, and this would all need to be monitored.

Amy Leonard, Borough Solicitor, said it is up to council if they want to consider an amendment to the borough, but this would not be quick. Someone would need to draft the amendment, it would go to PC, LCPC, public hearing(s) for input, and this could take 6 months or longer.

Lauren Houck said the committee meetings are when we discuss things, and we need to hear from our solicitor and zoning officer and hear the pros and cons. We are a small tax base, and we need to be aware of the cost of paying someone to regulate and check up on these things. She asked if there was a reason Ms. Pokrop chose to

give an example from Hanover rather than one in Lancaster County. Ms. Pokrop said Hanover's Ordinance covered it the best and after you read it, there is not a lot you can have questions about.

Adam Gochnauer told Ms. Pokrop her packet was very well done and said that this came before council many years ago, prior to most of the members who are currently on the board. It was discussed at that time, and there were complaints with people in the borough who had chickens because they were loud, and they did stink. He said they probably weren't taken care of as they should have been. There were more people against it at that meeting and it was decided to keep it the same. Someone also requested keeping an alpaca. He pointed out ordinances cannot be changed every time someone wants something new, and we need to know where to draw the line and make a decision for everyone in the community. Mr. Gochnauer said it was discussed that something like this could be added as a referendum so the entire borough could have a say. The referendum would be done before we consider any changes.

Debra Miller asked if chickens would be ok to leave outside in the colder months? She was told that chickens can remain outside in colder weather, they just need a heat source to keep drinking water from freezing.

John Schick said the people who are showing interest in this are not the ones you normally need to worry about. There is a lot of monitoring and enforcement for property maintenance that would need to go into this, and it would have to be done by an official. The line has to be drawn somewhere for the use of borough resources. He said she could go to the zoning hearing board and show a hardship.

Sandra Valdez thanked Courtney Pokrop for the information and agrees that this would be an additional use of tax funds because of the cost to monitor this due to the effects to neighbors this may cause. She feels the only way to justify the additional costs would be that this is something everyone wants, but you have to be careful with the expenses, so taxes do not need increased.

Debra Miller, Randy Rannels and Mayor Malone also agreed the referendum would be a great idea.

Amy Leonard and Manager St. Clair said they will look into what is needed for the referendum.

2. Kristin Troop – Events Committee

Kristin Troop said that the Music in the Park will be expanding to July 15 (music TBD), August 5 (Uptown Band), and September 2 (Blues Fest). They would like to have a beer garden at the August 5, and September 2 - Music in the Park events. Uptown Band on August 5 will be sponsored by Gochnauer's Appliance. The beer garden's will have fenced in area and RAMP certified people checking I.D.'s. A distillery vendor would like to pass out samples and sell bottles at the Car Show. They cannot have a beer garden at the car show because there would not be enough room with all the cars. Adam Gochnauer said he would prefer the alcohol be kept to the beer garden so it can be regulated. Randy Rannels pointed out that the rule at the park is that you cannot bring alcohol and if the distillery sold alcohol someone could easily open it up. This will be put on the March 7th agenda for a motion.

3. Megan Makers Market: Would like to have an event on June 10th with 100 plus vendors

Megan Shenk owner of Shenk Shop holds Maker Markets with handmade items made by crafters and artisans. They have a wide variety and will have approx. 100 vendors at the event. They will have 3-5 food trucks. They have volunteers from Hempfield High School service their events throughout the year to fulfill their local service hours. She projects 1,500 – 2,000 people will be in attendance for the E.P. event. There will be live music. There is no cost to the borough, and she would pay a fee to use the space at the park. She will take care of the porta potties, trash, marketing, parking, traffic control and emergency planning. The vendors would use the grass park space. She will contact churches, schools, and businesses to plan for overflow parking. This year they are planning to have markets at: Hempfield High School, Maytown Historical Society, Columbia Market House, Mountville Ballfield, Elizabethtown Fairgrounds, Columbia River Park, and Marietta. If it rains, they will reschedule, or it will be a rain or shine event. This will be put on the March 7th agenda for a vote.

4. Pine Street Update – submitted to Manager St. Clair by John Herr

John Herr could not be at the meeting. He gave Karen St. Clair an update on how the residents on Pine Street feel about making changes to the traffic pattern on Pine Street to solve traffic issues due to: fire vehicles

answering calls, traffic congestion, commuters avoiding the 72 and 722 light, difficulties achieving street sweeping because of parked cars.

Residents on Pine St. agreed that the concerns are valid and answered the following questions asked by Mr. Herr:

Making Pine Street one-way heading south – 10 said yes and 2 said no.

Alternate side parking for 2 hours; once each side, each month for street sweeping - 9 said yes and 2 said no.

Next month, he will have more information after he talks to more residents.

5. Borough office sign for new location

The fire department wanted to know if we would be interested in sharing the cost of a sign with them when we move to the new offices, and what kind of sign would we want. Council would like to see pricing and did not think a digital sign would get seen on Pine St. so the cost would not be justified unless it was very cheap. If the fire department wants the digital sign and we don't, the cost could be negotiated so we are only paying for the part of the sign we will need. It was pointed out that the Events Committee does post their events on the digital billboard on Main St.

6. Karen St. Clair: General Fund surplus of funds & update on the pool season

Manager St. Clair explained that during COVID in 2020 and 2021 there were projects that were budgeted for and a lot of those were put on hold, and there were no planned transfers of surplus funds into the capital reserves during this time period. Currently we have approx. 638,862.00 in surplus and would like transfer 500,000.00 - 600,000.00 into capital reserves until it gets used for the projects. This will be put on the March 7th agenda for a vote.

Pool Season Rates and events were reviewed. It is the 10-year anniversary of HARC managing the pool. HARC would like to have a celebration event on Memorial Day Weekend, including food trucks as well as member only appreciation weekend. Council said closing the pool to the public on the busiest holiday weekends will eliminate the revenue for walk-in's and it might alienate the public. It was pointed out that having days for members only could increase membership sales, but these days should not be on the holiday weekends when members would like to bring guests. It was pointed out that it might be better to limit swimming to members only at the indoor pool or just pick another day.

Discounted rate before April 29th – individual membership for a resident is 185.00; non-resident is 209.00, after April 29th individual membership for resident is 205.00; non-resident is 229.00. The savings is 20.00 prior to April 29th.

7. Review Account Payables

No additions to the regular bills.

8. Misc. Items

Manager St. Clair

MEP meeting was held for the new offices. The company that was hired for the offices at the FD is currently only working on our project. They will be doing a final walk through soon and we will have a better timeline.

Working on appraisals of 6040-6050-6060 Main Street.

Audit went well; report will be here in April.

Adam Gochnauer

He will have a few things he will be dealing with over the next few months that he will be coming to council with. The fire department is one of them. He does not have the figures yet, but there will be some big expenses coming up for the street sweeper including the filter which has been budgeted for. Now that we have a 7-year history to review, we can see what the cost is for all of this, and we can evaluate where things stand with the rates.

Lauren Houck said the last sweeper we had could not be run during the winter months and pointed out some places are paying the same amount for fines as we have paid to purchase the sweeper. Adam Gochnauer said that it has made money every year except last year when we had to do maintenance on it, and then we broke even. After this year, the big stuff has been replaced and we can start to budget for the next 7-years. Originally the sweeper was bought for MS4 and then we came up with the idea to market the sweepings and it has been a great project and we look forward to continuing with it.

Mr. Gochnauer said that the Northern Lancaster County Regional Police Commission meeting will be held here in East Petersburg at the Community Center on March 9, at 7:00 p.m. He said this meeting gives the community a chance to come and ask questions.

Debra Miller

Years ago, there was a walking tour of East Petersburg Borough, and this has been put on the website. Sam Maurer said there was once a garden tour of the borough and there is a booklet at the historical society on this. There is an opening on the LASA board, if anyone is interested, they can contact Manager St. Clair.

John Schick

Public Works has put up new stop signs that are reflective at night and new speed limit signs will be next.

Sandra Valdez

Asked if we received the traffic study back from NLCRPD for Main Street. Manager St. Clair said she did not receive it yet and she will check on this at their next meeting.

James Malone

Attended PA State Mayors Association Meeting. Radar Coalition is starting the whole process over again. Write your congressperson, state house representative, and try to tell them we could really use this. The Black Caucus is currently opposed to it and has been engaged with them for two years now. The only variation in the new bill is that the income from tickets cannot be more than 1% of your total. He said that everyone is fine with this; they just want the tool to control speeding. He said that everyone needs to be considerate of others on the roads and not speed. Homelessness was also discussed at the LCMA Meeting.

Debra Miller said Mike Sterla mentioned red light cameras and asked if this is something that could work in the borough. John Schick said Philadelphia uses red light cameras on Roosevelt Blvd. and this is where the ARLE Grant money comes from. He said that you have to be a first-class township and it is 100,000.00 per intersection to equip and you need an organization to collect the fines.

9. Fire Company Financials – for review only

II. ACTION ITEMS:

1. *It was moved and seconded (J. Schick /L. Houck) with unanimous approval by the board to approve the January 26, 2023, Borough Committee meeting minutes*

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

IV. Committee Meeting Adjournment: 7:55 p.m.

VI. Executive Session for legal & personnel matters: Not needed

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

Respectfully Submitted,
Kim Strayer, Recording Secretary

MINUTES OF THE COMMITTEE MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	March 23, 2023	6:00 p.m.
LOCATION:	Community Center	6051 Pine Street
ATTENDANCE:	Council Members:	Debra Miller, President John Schick, Vice-President Adam Gochbauer, Pro Tem (Absent) John Herr Lauren Houck (Absent) Randy Rannels Sandra Valdez Mayor: James Malone Borough Manager: Karen St. Clair Assistant Treasurer: Jennifer Guzejko Special Project Supervisor: Jeff Moseman

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

Moment of Silence / Pledge to Flag

Visitors: Tammy Moseman, Lynne Morrison, Courtney Pokrop, Josh Roberts, Jim Swarr, and Samuel Maurer IV
Jim Swarr and Josh Roberts were both recording the meeting.

I. PUBLIC COMMENTS:

1. Lynn Morrison said she has lived on Northfield Drive for more than 20 years. Her home backs up to the bike path and beyond that is a big field that is a floodplain. She enjoys sitting out back and watching the birds. At times she has planted flowers near the bike path on the borough's property to help maintain the area. She said a few years ago they sprayed and killed everything along the edge for maintenance. Earlier this week they put big white stones in this area. The maintenance person on-site told her this was being done as a solution to maintain this area because it is hard to get equipment in there, and also to deter dumping. Ms. Morrison showed pictures of the rocks to Council and said she would have liked to have been notified about this and would like them to consider a better solution. She said it looks like she lives on a swale and feels it is degrading to her property. Jeff Moseman said this has always been a troublesome area along the pathway to maintain and every season they are digging hoses, lawn mowers, and all kinds of trash out of the brush. The trash quickly gets hidden in the brush and there was only a mower length away from the neighboring properties. They tried to come up with a solution to allow them to get machinery in there and at least mow 1 or 2 passes through this area without having to encounter trash and branches. Last year, they trimmed a lot of the large trees that were leaning over the trailway. They discussed putting the rock in, and also discussed covering it with dirt and planting grasses, but it is almost too steep and could cause MS4 issues while soil is bare until the grass grows in. The rocks provide a barrier, and he does agree that it will not stop the dumping, but it will be more prominent. Manager St. Clair said she will go out there and take a look at this. Ms. St. Clair said she did see pictures and was in support of what they wanted to do because of the problems they have had there year after year. Ms. Morrison asked if there have been any other complaints. Manager St. Clair said she has not received any other complaints about the rocks.

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. Backyard hens: council to continue discussion on how they would like to proceed.

Debra Miller said she has seen more information on this and found out that backyard hens can be susceptible to Avian Flu. She said if it weren't for all the flocks of chickens in the county that have been decimated due to the outbreak of Avian Flu, she might have a different opinion about it. Ms. Pokrop said it is less likely with smaller flocks.

John Schick said he is down the middle on this. He said that the cost is substantial for this, and he feels it will be a unique crowd, but on the flip side the smell of the manure can be bad. He said sometimes people start out with good intention and then people get tired of doing it, or it starts to cost too much, and then the novelty wears off. He explained we have ordinances for a reason and there is criteria in there for a special exception which requires proving a hardship. Ms. Pokrop said that the ordinance would require people to take care of the manure. John Schick said this would then become a policing item for the borough and he would probably lean more toward not going with it because even though it is good people with good intentions, the minority few can ruin it for everyone else.

Sandra Valdez said you hope with the ordinance that people will follow it, but this then puts the burden on those who need to ensure that the residents are following the ordinance, therefore she leans towards not doing it.

Randy Rannels said he is not opposed to it and would like to get a feel from the whole community as to how everyone feels about it. If we did something like this, he would like to see the cost to the borough be offset by an annual permit fee with an inspection every six months and if they don't pass, we could possibly make it that they have to get rid of them.

John Herr said he lived across from chickens until they were told they could not have them. Emotionally he thinks they are great. Before voting for them he would like to know that the majority of the borough feels the same way because it will end up costing every taxpayer money to enforce this for the benefit of a few people. He likes the idea of a permit that would help defray the cost. It was pointed out that Manheim Township charges 1,000.00 plus just to get a permit. Mr. Herr said we have some properties that have been problems for many years and if one of these would get chickens, we could always levy fines, but other than that if they pay them, our hands are tied.

Debra Miller said the borough solicitor reviewed adding this on for a vote during the election and found out it is very costly, and this type of referendum is non-binding. Mayor Malone said the board of elections does not favor putting something on the ballot unless it is a binding vote. Ms. Pokrop said she does not feel it would be a successful vote in favor of chickens because it is a small group that wants them, but that is also why she feels the chickens would not be a big problem because she doesn't feel a lot of people will have them. Tammy Moseman said she likes the idea of self-sufficiency, but her main concern is the health of her family, and her dog barking at chickens nearby. Ms. Moseman pointed out there are already cats roaming in the area and she feels they will end up having roaming chickens. Debra Miller said she has a hard time justifying 20,000.00 to change an ordinance. John Schick said the cost is the same whether it is one change or numerous changes. This will be put on the April 4th agenda for a vote.

2. Jeff Moseman/Jennifer Guzejko – review final costs for Playground/Park Restroom Upgrades (DCNR)

Jeff Moseman said there are copies of the proposed plans and probable costs for council and the residents to take a look at. All of the suggestions and comments have been taken into consideration and they are working with ARRO to finalize the plan and get costs so the grant can be submitted. Mr. Moseman reviewed the plans and pointed out what is being proposed and explained that right now it is a more generalized plan with proposed costs in order to compile a cost estimate so the grant can be submitted. If the grant is received the work would not take place until mid-2024 and there will be inflation costs that we cannot account for. It is a 50/50 match so there will be costs for the borough. Items included in this proposal are: Parking lot and curbing at the front of the park with an 18-inch beauty strip, 2-3 additional ADA parking spots in parking lot, pathway between the parking lot and sidewalk, pathway up to bathrooms and concession stand, updated concession stand / bathrooms with energy saving light fixtures, ADA facilities, water saving fixtures, double sinks will be added in for each bathroom, baby changing station has not been included yet. Mr. Moseman pointed out that no other items can be added in after the grant is submitted.

It was discussed what might be needed at the concession stand to get this up to code and cover all the needs. Manager St. Clair said it is best to add in what is needed now. John Schick said electric stoves would get rid of the need for a hood. Randy Rannels pointed out some items will be needed to pass inspection such as a three-bay sink, slop sink, and hand wash sink. The refrigerators we have should be ok. We will also need to convert from gas to electricity for the stove. Extra electrical outlets will be needed to allow for crockpots. The panel will need to be updated to 200 AMP. Randy Rannels said the window may need closed off to allow for the sinks.

Cameras are set at a multi angle position and can be reset when the new park equipment is installed. Environmentally friendly features have been considered for this grant and include impervious pavement for the path, swing set made partly from recycled materials, and recycled rubber material (which is a pervious surface) beneath the playset. John Schick said there is a lot of path with pervious pavement proposed and asked if there were any savings with putting bituminous paving and offsetting drainage by putting in rain gardens. Samuel

Maurer asked if sidewalk could be installed to State St. He was told this extends beyond the borough property. Jennifer Guzejko said the total current cost is a little over 600,000.00 of which we have to come up with a 50% match. The borough has over 140,000.00 in parks and open space to use and the rest will come from the surplus in reserves. The application is due by April 4, 2023. Manager St. Clair and Council thanked Jeff and Jennifer for their work on the grant.

3. John Herr: Pine Street update

John Herr reported that the majority of residents he spoke with in the 5900 block of Pine Street were for the change of making the street one-way heading south. Most properties on this street do not have off-street parking, therefore parking on both sides provides a place for residents to park. Changing the street to one-way would make it easier for people driving through because it is only wide enough for one car to pass at a time. This will also make it easier for the fire trucks heading out to a call. It was discussed that making this street one way has come up many times over the years because pulling out and crossing there is dangerous. Public works has had trouble plowing on this block as well. This time it was brought up that if changes need to be made, it should be done now, due to the water main replacement project coming up on Pine Street.

4. Review quotes for new office signs

Quote from Signarama for electronic sign and some directional signs: 29,681.23

Quote from Signarama for PVC sign and directional signs: 6,791.00

Kevin received a quote for a PVC sign and directional signs in the amount of 904.00 and public works can install them. John Schick said he would like to know what material the sign is made of - Manager St. Clair said she will find out. Manager St. Clair reached out to other sign companies but has not received the information yet. The fire company did say they will split the cost of the sign with us.

5. Review property information for 6040/6050/6060 Main Street

Manager St. Clair received 3 quotes for appraising these three properties. She did go ahead and get property value amounts from realtors, even though we cannot go that route, it was just for comparison. The property value amounts were all similar to the three following appraisals received: Angela Tracy 7,500.00, CCAG 5,800.00, Skladany Valuation 5,400.00.

Her recommendation is to go with Skladany Valuation. He took the time to research the properties and he was highly recommended.

6. Reviewed Account Payables 03/23/2023

7. Misc. Items

Manager St. Clair

Jimmy Swarr submitted a letter of interest and statement of financial interest form, to be on the zoning hearing board. This will be on the agenda next week.

Drug Task Force (DTF) has requested contribution in the amount of 4,573.00. We have not participated in the past few years, but things seem to be straightened out now. Manager St. Clair said most of the municipalities are now paying it. Council said they would be ok with it if LT. Kilgore thinks it is ok. Manager St. Clair will check with LT. Kilgore about this.

Scott Liggins submitted a letter along with the proposal from Kohl Bros. for the pumps that he spoke with Council about last month. The current ship dates are 14-16 weeks. After it arrives, it will take 1-2 weeks of site work. The warranty is a standard warranty for one year with the exception of the VFD (variable frequency drive) which carries the option for a 5-year warranty. This was priced through co-stars including freight, labor, and equipment, not to exceed 82,950.00 each. Currently to get full output 2 pumps have to be run, so when a pump goes down or maintenance is needed, we have to use city water and pay for it. What is being proposed is to have a single pump handle the full output with the other being used as a back-up to allow us to handle full output at all times. We will alternate use of each to keep the hours the same on both. Currently with one pump down, we are using 100,000 – 180,000 gallons per day from the city interconnect to make up for the half we cannot meet. The water from the city interconnect will have to be paid for. The pumps were not budgeted for in 2023, but we have money in reserves to pay for this type of emergency. This will not affect residents' costs.

John Herr said the sign at the attorney's office makes it hard to see when you pull out at Pine and Main St. The sign was permitted through zoning. John Schick said that there needs to be a 15 ft. triangle site distance, and this has been looked into in the past. John Herr said he realizes this was approved, but he would just like to ask them to appeal to their good faith and ask them nicely to correct this. Manager St. Clair said she will take a look at the permit.

Debra Miller said she has been in contact with the Master Gardener Program coordinator at Penn State Extension regarding holding a compost workshop in East Petersburg Borough. The Borough will not be expensed, and the Master Gardeners will be donating their time to explain various forms of composting, including worm composting. It was suggested we would have a greater turnout if the workshop was made available to anyone in the surrounding area with residents having first priority. Everyone should pre-register due to a set limit of 70 people. The compost workshop will tentatively be held on Saturday, April 29 from 10:00 – 12:00 p.m.

8. Fire Company Financials – for review only

II. ACTION ITEMS:

1. *It was moved and seconded (S. Valdez / R. Rannels) with unanimous approval by the board to approve the February 23, 2023, Borough Committee meeting minutes*
2. *It was moved and seconded (R. Rannels / J. Schick) with unanimous approval by the board to approve Final costs for the park/trail upgrades for the grant through DCNR, including a bay sink, handwash sink, slop sink, and changing the work gas to electric*
3. *It was moved and seconded (J. Schick / S. Valdez) with unanimous approval by the board to approve Resolution 861, authorizing ARRO Consulting, Inc. to submit the application for the playground/park restroom upgrades to the Department of Conservation and Natural Resources (DCNR) contingent on the updated cost and items being included*

III. Extra Items: Issues arising in the last 24 hours:

1. *It was moved and seconded (S. Valdez / R. Rannels) to approve the purchase of 2 pumps from Kohl Brothers not to exceed 82,950.00 each*

IV. Committee Meeting Adjournment: 7:33 p.m.

VI. Executive Session for legal & personnel matters: Not needed

Next Meeting: Tuesday, April 4, 2023, Council Meeting & Thursday, April 27, 2023, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary

MINUTES OF THE COMMITTEE MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	April 27, 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 (Absent)
	Mayor:	James Malone
	Borough Manager:	Karen St. Clair

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

Moment of Silence / Pledge to Flag

Visitors: John Strayer, Phillip Teise, Samuel Maurer IV, Jennifer Schwartz, Bob Schwartz, Chris Dreisbach, Bobby Dwight, Joe McDonald, Scott Yuill, Josh Houck, James Swarr, Josh Roberts, Dave Gantz, and Tammy & Jeff Moseman

James Swarr and Josh Roberts were both recording the meeting.

Debra Miller asked that everyone in attendance wait to be recognized before making comments or questions.

I. PUBLIC COMMENTS:

1. James Swarr said there is a rash of car break-ins going on in the borough and he has spoken to the Mayor about this because he is the liaison between the borough and the police. Mr. Swarr physically stopped someone from coming into his driveway on his property. He saw him go into the neighbor's car and the one across the street. Mr. Swarr called the police, and they came out and have been patrolling the area near his home. The streetlight was out on Carpenter St., and he has recently found out how to report this. Debra Miller pointed out that unfortunately this is happening everywhere this time of year. John Schick said there were cars broken into in a nearby municipality in the middle of the afternoon to steal purses while these people were walking their dogs. Adam Gochnauer said a few meetings ago there were people complaining about speeding and he said this was brought up with the police at the commission that he attends, along with Manager St. Clair. The police have been looking out for this more. Mr. Gochnauer said he is doing the right thing by letting them know and they can take this to the police and look into this further. James Swarr asked if something could be put on the website.

James Swarr asked for follow-up on a complaint about Miriam Circle regarding a possible group home. Manager St. Clair will check on the status of this.

2. Samuel Maurer IV, president of the East Petersburg Historical Society said he has started a campaign to raise funds to purchase the property on Main Street. Adam Gochnauer said he is not the only one that has been asking about this property. Manager St. Clair can put his information in the interested file and when it is decided when the buildings will be sold, she can reach out to him along with the other interested parties.
3. John Strayer said the street sweeper has been sweeping his street on Fridays when there are multiple yard waste bags in the street for pick-up, therefore most of the street is not being cleaned. Jeff Moseman explained that weather is a factor as well as staffing. It was pointed out that the sweeper is used to sweep out of the borough also. The regular scheduled days are Wednesday and Thursday and if they cannot get to it on these days, they end up having to sweep on Friday. Lauren Houck said recently Good's put her yard waste bags in the street and then come back through to collect them.

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. Team Member: EP Pool Snack Bar

Chris Dreisbach co-owner of Full-Service Concessions Group, Dough Head Concessions, and Honeybee Café said they also have 2 food trucks, tent table, stand at Columbia Market, and provide concessions at the Field of Screams. He explained last year Adamstown pool was struggling with the concessions, and Joe, one of the co-owners built a custom menu for Adamstown pool. It was so successful, they had people coming just for the concessions. This led them to believe that other municipalities might be struggling as well, and they reached out to other areas to offer their services. Adam Gochnauer asked if their group has an agreement with HARC. Mr. Dreisbach said they do not have an agreement. They have only had discussions about this. Adam Gochnauer asked if they are planning on just having hours the same as pool hours. Mr. Dreisbach said they are open to whatever the needs are of the borough, but this is just to operate out of the concession stand for now. Adam said the pool is for members only, so non-members would not be able to go in and out. Mr. Dreisbach said that there are two usable windows at the pool concession area, and one of these windows can be accessed without entering the pool area. They are willing to cover the baseball games/ hockey games near the pool. They can bring in the food truck if that is preferred. Mr. Dreisbach said if there was rent it would not be worth doing it for them because it is only for 3 months. The margin is somewhat low, but the plus side is they are building a following and community support. Mr. Gochnauer said the borough owns the equipment in the concession area and asked if they would be using this. Mr. Dreisbach said they are hoping to use what is there and bring in supplemental equipment. Mr. Gochnauer said there would also be an increase in utilities used as well. He pointed out that if concessions end up being a losing proposition and they are paying extra expenses that are not reflected in the agreement, it could make the pool look worse than it actually is. Mr. Gochnauer said that he just wants to be transparent with the taxpayers if this turns into a profit. Mr. Dreisbach said he does understand. Debra Miller asked who will staff the concessions. Mr. Dreisbach said they like to supplement their staff by hiring local teens within the community. Mr. Gochnauer said they are only here to get our blessing tonight because we own the property. Any agreement for this would be between HARC and the concession company. Amy Leonard said that if HARC would contract with them, then we would look at our agreement with HARC and see what needs to be done at that point. Mr. Dreisbach said they have seen the space and he does feel this space could be ready for the beginning of the season. The menu would be similar to the one at Adamstown pool.

2. Bob & Jennifer Schwartz – Basketball hoop in ROW

Jennifer Swartz read the letter to Council that she and Bob Schwartz sent to Collin Fox:

"We are writing this letter to formally request an exemption or variance request regarding the East Petersburg Borough's letter demanding that we remove our basketball hoop, located in the side yard of our property at 6461 Cherry Street: East Petersburg. As you know, we have gone back and forth with you many times over the past several months. We believe that our request is reasonable, given our location (Cherry Street is not a thoroughfare) as well as our many concerns should we have to remove the hoop. Our primary concern is the safety and well-being of our children as well as the rest of the children in our neighborhood – who truly have become an extension of our family. If we must remove our hoop, these children will be put in harms way: from crossing a deadly street to passing homes where Megan's Law offenders live to violence and bullying at the East Petersburg Park. When we were looking for a home in 2020, we prayed that God would lead us to the perfect home and that home would be "that house" where all our children and their friends and the neighborhood kids gathered. After looking at 33 houses, we found it at 6461 Cherry Street: East Petersburg. Our door has been open for playdates, babysitting, dinners, and even overnight stays when a neighbor needed someone to watch her kids while she went to the hospital. And when our daughter developed a love of basketball, we didn't think twice about putting up a basketball hoop and welcoming everyone to use it. Jennifer was a basketball coach for many years and has worked with several of the neighborhood kids to teach them basketball fundamentals. We have even come home to find strangers playing basketball on our hoop. We are not telling you this to brag, but to convey to you that we have a heart for this neighborhood-especially the kids. We now understand that there is a law from 1989 stating that permanent basketball hoops are not allowed in the East Petersburg Borough. When we put ours in, we were not aware of this. Again, we did it with all good intentions in mind. However, as we stated above, we are requesting an exemption or variance. Much has changed since 1989. We do not have the time to list everything, but we have listed several points of concern on the fact sheet accompanying this letter as well as some overall facts regarding this situation. Again, please know that we are not fighting this to cause you problems. We believe, and we teach our children, that some things are worth fighting for. Mr. Fox, we believe that the safety of our children-as well as the 12 (soon to be 15) others who live in our neighborhood-is worth fighting for. We appreciate your time, and we pray for you to have wisdom and discernment in this decision. Should we need anything else or need to follow a certain guideline to filing our exemption or variance, please let us know so that we can start that process. Sincerely, Bob & Jenifer Schwartz

Debra Miller said she remembers in 2020 working on Ordinance 311 for Streets & Sidewalks, and the first draft was very restrictive and did not allow for playing ball on a dead-end street or skateboarding. At that time, it was during covid, and families were limited to only exercising outdoors. Councilmembers were unhappy with the draft and compromised on temporary structures to be removed after play/use where safely possible, such as dead-end streets or cul-de-sacs, and could not prevent lawful transit in the cartway. She said this is why she sees many basketball hoops on wheels because they move it back into the driveway after use. We also allow in Ord. 311 for structures to be erected on homeowner's properties, but not in the right of way. Ms. Miller explained that Council does not handle zoning variances, and this is done through the zoning committee and to get something in front of the zoning hearing board the fee is \$750.00. She said Council is not able to help because it needs to go through zoning. Jennifer Schwartz said it is unrealistic to ask people to move them in and out of the driveway, and she sees them blown over when it storms. Mr. Schick said the pole is currently in the 50 ft. public right of way and said only mailboxes are allowed in the public right of way. Mr. Schwartz said that is why they are here so it can be discussed. Mr. Schwartz said he feels there is no good reason to move the basketball court and it is important to keep it there to keep the kids safe. Amy Leonard said that it is the law, so it is not something that can be compromised. John Schick said it could be taken to the zoning hearing board to ask for a variance. Mr. Schick also suggested he move the hoop to his driveway. Mrs. Schwartz said there is not enough room in the driveway to have the full legal length of a court.

Michael Bingham said the Ordinance the Schwartz's referred to in the letter is actually adopted in 2020 (not 1989). Mr. Bingham said at the time there was a permanent basketball hoop in a cul-de-sac, which was a much less traveled area. There were concerns with children playing in the street; if someone gets hit and the borough allowed that structure to be there, then the borough becomes liable. Mr. Bingham explained that if they go to the zoning hearing board for this, they will need to prove a legal hardship, and said they honestly do not have one, and it would most likely be turned down.

Adam Gochnauer said he thinks the part about the street sweeper in the first letter should not have been put in and that this is what has caused confusion. He said it should have only said this is not legal to have the basketball net because you do not own that property. Mrs. Schwartz said it was confusing because they addressed the street sweeper concerns, then months went by, and they received another letter changing the problem with the hoop.

Amy Leonard pointed out that the recent letter Mr. Fox sent them on April 14, cites Ordinance 311, and says it shall be unlawful for any person(s) to park, place, or cause to be parked or placed any obstruction as defined herein (which means ord. 311) within any rights of way in East Petersburg Borough, Lancaster County PA. The placement of permanent basketball hoops, soccer and or hockey nets or goals skateboard ramps and all other permanent obstructions over, in, or on public rights-of-way is strictly prohibited, regardless of when such structures were erected. Ms. Leonard said if they go to the zoning hearing board, they will have to point out a provision of the zoning ordinance. She said Ordinance 311 was passed by Council so ZHB could not help with this.

Mr. Bingham said there were numerous violations cited in the letter and the part about a permanent structure requiring a permit would have to go to the ZHB. He explained because it is in the public right of way it would not be permitted.

Manager St. Clair said that it was her understanding that when they were in the office with Collin Fox, they were informed that they needed to go to the ZHB, and at that time they requested a meeting with the borough manager. Mr. Schwartz said Mr. Fox suggested they meet with her and then Council.

Mr. Schwartz said he realizes they made a mistake by putting the pole up without checking with the borough, but feels it is really not a problem. He said his neighbor was sent a letter and it said he had to plant trees. Mr. Bingham said it is because he has an RV and screening is required

Dave Gantz said he has lived on Cherry Street for two years now and feels there are people here who want to build community and council should work with these individuals. The park has great events, but no safe way to get there. He would like to see bicycle lanes, paint markings, signs, humps, and blinking signal lights that say - watch for pedestrians. He was told at the last meeting that upgrades are planned, so he feels that council should say once they have the upgrades done, the basketball hoop needs removed at that time. This would show council is working with the community. He would like to ride his bike to local places safely.

John Schick said the reason we have a 50 ft. right of way is so we can put traffic signs in these areas. He said that the law is that all poles for traffic signs, etc. must be breakaway and the basketball hoop is a solid pole; it is

not breakaway. If someone hits a breakaway pole it breaks, but a solid pole does not. This creates more of a liability. That is why prior approval is required for any pole for signs or signals.

Mrs. Schwartz said they would just like a little bit of grace until 2025 when the upgrades are finished. Council said they cannot do this because it is a liability.

Tammy Moseman said she spoke to council about a very important financial issue for Lemon Street residents. Lemon Street as a group came to council and they heard us, and they listened to us and worked with us. It is not that council does not want to work with you, they do, but there are rules they must follow. She said it is frustrating to hear them say that council is not hearing you, but they are, and they do.

Josh Roberts said if someone hits the pole and is injured, the borough could be sued, and he does not want to see this happen. If the borough would be sued into oblivion, we could be forced to merge with someplace like Hempfield where we have 0 voice. At least we have a voice here with these 7 people on council. He said not everybody agrees with you on this.

3. Bio-swale Project – Kinsley request to assign contract to Aquatic Resource Restoration Company

Manager St. Clair said the grant was awarded and Kinsley won the bid and Kinsley would like to assign the work to Aquatic Recourse Restoration Company. Michael Bingham explained that Kinsley owns a large portion of Aquatic Recourse Restoration Company. Amy Leonard said the way the contract is written you can only sub out 50% of the work, so she had to red flag this, and they will now need to have a Consent to Assign agreement. This agreement says Kinsley will remain the responsible party for every provision of the contract.

4. Amy Leonard: Airbnb discussion. Defining Short Term Rentals, Regulations? Inspections? Licensing?

Amy Leonard said that legally she does not think Airbnb is a dead issue. It is very common, and most municipalities do not have this provision. If we don't have an ordinance, then we can't regulate it. She has looked at the zoning ordinance and met with Manager St. Clair and Mr. Bingham about this. The borough currently only allows bed and breakfast uses, which are traditionally owner occupied and only a room is being rented and there are no cooking facilities included. Bed and Breakfast use is only allowed in commercial districts in the borough. She strongly suggests looking at defining short-term rentals and regulating them in a similar manner to Bed and Breakfast. If someone applies for a zoning permit, it has to be addressed under, uses not provided for or specifically regulated. This means they can have that use in any zoning district, as long as they can meet special exception criteria. This could turn into a lot of zoning hearings, and this process is costly. John Schick asked if we are covered under LIMC for uses. Michael Bingham said even if it is covered under LIMC, it still needs to be covered under zoning. John Schick asked if someone rents out a pool or barn what it would fall under. Amy Leonard said it would fall under event venues. Ms. Leonard said she has been to zoning hearing after zoning hearing in other municipalities where it is not regulated. She would rather be proactive about it. She would like to put together an amendment for council to look at and review at an upcoming meeting. Council can then decide what is appropriate re: inspections, licensing, restrictions, and limitations. Amy Leonard said if people are going to operate Airbnb's they should be following all local, county and state requirements. She pointed out that people sometimes buy up properties to use just for this use and there is nobody there on site to oversee what is happening. She said the goal shouldn't be to completely change your housing stock in the borough to accommodate transient guests. Michael Bingham pointed out that currently Bed and Breakfast is only allowed in the NC district. Lauren Houck said Lititz currently requires fees and if the owner of the Airbnb goes out of town, the owner will have to notify the borough of this. She feels something like this could be extensive for the borough staff. John Schick said that hotels pay tax to provide for these types of things. Council agreed to have something put together to review. Tammy Moseman said that someone on Lemon St. is going to submit a zoning hearing application for this. Amy Leonard said if something else needs amended this is the time.

5. Karen/Amy: 6060 Easement for Stormwater management

Manager St. Clair said now that it has been decided that we want to sell the building, we need to look at moving forward with an easement for the stormwater facilities that were installed in 2021. Amy Leonard said there was a draft put together for the easement in 2021 because we wanted to guarantee that if the borough only sold 6060, they would be able to still park there and also to ensure the borough could access the stormwater facilities for maintenance. Now that the borough is moving the offices, they no longer need to use the area for parking. We will now need to change the drafted easement to reflect that we need to continue to have access to allow for maintenance of the stormwater facilities. This easement would ensure that a structure could not be placed in this area, nor could it be paved. It was agreed that it would be best to remove the stone parking area and plant grass before it is sold.

6. Karen/Amy: 6040/6050/6060 – Appraiser's Note and Appraisals

Manager St. Clair received an appraisal for all three properties. The Appraisal pointed out that 6050 Main St. property does not have plumbing and does not have stairs on the inside to get to the second floor and therefore suggested it might be a good idea to sell 6040 and 6050 together as one. Randal Kline with Kline Kreider and Good, was highly recommended for Auctioning services. Manager St. Clair will meet with him mid-May and will need to know if Council would like to sell 6040 and 6050 together. Council agreed they would like 6040 and 6050 to be sold as one. Manager St. Clair will have more information on this at the June committee meeting.

7. Karen: Office moving quotes

Two quotes were received from moving companies. Groff and Sons came in lower, and they came recommended. This will be put on the agenda for the Council meeting.

8. Karen: ARLE grant project: 72/Miller and 72/Enterprise

We received a grant for both of these intersections, but ARRO who is our borough engineer does not have a traffic engineer. An RFP was put together for this project and EH put this out to bid for their traffic engineer to bid it as well. Rettew came in as lowest bidder, therefore it is on the agenda for a vote this evening.

9. Karen: Revision of Employment Policies; SOP revisions and Hours of Operation

Hours of Operation - was updated to reflect the new office hours 7:30-4:00 with office remaining open during lunch. Public works and water departments hours are 7:00-3:30 m-f with department on-call following the office hours.

Chain of Command – Borough Foreman was changed to say Supervisor or Department Supervisor or Immediate Supervisor. The first sentence will be removed because it could cause confusion about who to report to.

10. Karen: 1Q23 review

Manager St. Clair reviewed the first quarter financials with Councilmembers.

Brushes will need to be budgeted for the sweeper every 5 years. Randy Rannels asked how much it costs to operate the sweeper while putting money away for the sweepers. Manager St. Clair said she does not have this information with her, but she will get this to him. Adam Gochnauer said they do look at how much it costs per hour and set the rates accordingly. He said the numbers are only getting better. We have exceeded the hopes of sweeping the borough at no cost.

11. Review Account Payables 04/27/2023

12. Misc. Items

Manager St. Clair

- Capital Blue Cross issued a credit to us in the amount of 2,203.00 because our claims came in lower than expected. This will be credited to our invoice.
- Hempfield Church of the Brethren wants to have a community ice cream social event on May 19, 2023, from 6:00 – 7:30 p.m. at Constitution Square. She will submit insurance certificate for this. This will be put on the next Council meeting agenda for a vote.
- East Petersburg Events Committee granted permission to Wee Care Day School for a pre-K graduation at the amphitheater on May 19, with a rain date of May 24.
- Manager St. Clair will be on vacation May 3 through May 8.

John Herr attended the LCSWMA meeting. He pointed out that the average cost per municipality in Lancaster county for refuse is \$172.00. They are projecting a small increase in the rate the haulers have to pay. Manager St. Clair said we should be ok for next year with what we have.

Debra Miller and John Schick attended the LC Borough Association meeting. It was discussed at the meeting that they are pushing hard for the Radar Bill and trying to get PennDOT to take responsibility for stormwater on their roadways. OSHA regulations were also discussed.

Adam Gochnauer said there are some things coming up that he is working on.

13. Fire Company Financials – for review only

II. ACTION ITEMS:

1. *It was moved and seconded (R. Rannels /J. Schick) with unanimous approval by the board, to approve the March 23, 2023, Borough Committee meeting minutes.*

2. *It was moved and seconded (A. Gochnauer/J. Herr) with unanimous approval by the board, to approve Consent Agreement to Kinsley Construction assigning Bio-swale Project to Aquatic Resource Restoration Company.*
3. *It was moved and seconded (A. Gochnauer/J. Herr) with 5-0 vote by the board, to approve Rettew to perform Traffic Engineering Services in the amount of \$20,450.00 as outlined in the ARLE grant project proposal for 72/Miller and 72/Enterprises. John Schick abstained due to his employment with Rettew.*
4. *It was moved and seconded (A. Gochnauer/R. Rannels) with unanimous approval by the board to approve final payment to Doli Construction in the amount of \$32,934.00 for the Lemon Street Water Main Replacement project.*

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

IV. **Committee Meeting Adjournment:** 8:13 p.m.

VI. **Executive Session for legal & personnel matters:** Not needed

Next Meeting: Tuesday, May 2, 2023, Council Meeting & Thursday, May 25, 2023, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary

May 25, 2023

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

DATE AND TIME:	May 25, 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 (Absent) Lauren Houck Randy Rannels Sandra Valdez (Absent) James Malone (Absent) Mayor: Borough Manager: Supervisor:

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

Moment of Silence / Pledge to Flag

Visitors: Tammy Moseman

I. PUBLIC COMMENTS: None

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. Jeff Moseman: MS4 Presentation for reporting year 2022-2023

Mr. Moseman explained MS4 is a conveyance or system of conveyances that is owned by a state, city, town, village, or other public entity that discharges to water in the U.S., designated to collect, or convey stormwater (e.g., storm drains, pipes, ditches). MS4 owners are required to obtain a Storm Water NPDES (National Pollutant Discharge Elimination System) permit. The NPDES stormwater discharge permit is to manage, implement and enforce stormwater discharges which will effectively prohibit pollutants in stormwater discharges or other unauthorized discharges. Borough stormwater information is available at www.eastpetersburgborough.org, borough quarterly newsletter, and stormwater informational fliers at the office and community center.

Public participation events were held throughout the year: *Riparian Buffer Fall Maintenance Event* was held on November 5, 2022. After volunteers planted 196 trees and 94 bushes, in the buffer, volunteers once again participated by doing maintenance on tree tubes to prevent/correct fallen trees. The buffer zone was put in place to shade this area and filter out pollutants, and to allow for a more consistent temperature for fishery. Informational signage to be posted at the Riparian Buffer will be received through a grant that Lancaster County received.

Rain Garden Spring Maintenance Day was held on May 20, 2023 – volunteers helped weed the beds and spread mulch.

Events are conducted in conjunction with the Little Conestoga Watershed Alliance <http://littleconestoga.org>. LCWA meetings are held on the 3rd Wednesday of the month at Lancaster Farm and Home Center – 1383 Arcadia Road Lancaster, PA.

Another key part of the MS4 program is controlling *Illicit Discharges* which are household cleaners, motor oil, lawn care products, trash, organic debris, and sometimes water. These discharges need to be investigated to see if pollutants are present. The water department does dechlorinate all water when hydro flushing, which needs to be done for the water system. Residents must dechlorinate water when draining from a pool, and under the new stormwater ordinance water must be drained onto grassy areas only. Grass and leaves in the roadways wash into storm drains and can eventually end up in the bay. Trash and yard waste bags must be placed behind the curb line, not in the street, to eliminate the possibility of run-off. Yard Maintenance products can also end up in the street if not used correctly.

Hydraulic oil was spilled by a contractor through town. The contractor was found, and a lot of time was spent on clean up.

Cooking oil and grease was found to be illegally dumped into a storm basin at Village Commons, fortunately, the water quality unit under the parking lot trapped the grease from further travel. The cleanup was expensive and timely. Property owner was responsible for paying for the clean-up.

Softener resin beads were found and property owner was responsible for clean-up.

Residents are encouraged to report illicit discharge to the borough office by calling the office or through the MS4 page at www.eastpetersburgborough.org.

2. Review HARC's Concession stand agreement with 3rd party

Manager St. Clair said the agreement is actually between HARC and the Full-Service Concessions, but she wanted Council to see the agreement before HARC votes on this tomorrow. It was pointed out that the borough will be listed as an additional insured.

3. Amy Leonard: Airbnb discussion. Defining Short-Term Rentals, Regulations? Inspections? Licensing?

Amy Leonard prepared and reviewed with Council two separate Short-term Rental Ordinances.

Both drafted ordinances are for short-term rentals with one being zoning amendments and the other being a stand-alone ordinance. Ms. Leonard explained that short-term rental is a general term used for a property that is rented out for no less than 1 day and not more than 30 days. Airbnb and Vrbo are just names of online companies assisting with the renting process.

The zoning amendment: names the zoning districts, and where this use would be allowed. Proposing short-term rental would not be permitted in residential districts; only in NC, HC, LI. A definition for short-term rentals has been added – if someone looks for this use in the zoning ordinance, they would be able to find it.

There are 10-12 specific regulations for short term rental: insurance coverage, hotel tax license from county/state, county hotel occupancy tax certificate, designating a person in charge, the use must be compliant with building code regulations, building use would need to be inspected by zoning officer/BCO before a certificate of occupancy can be issued. Additional units cannot be made for this use. Short-term and long-term rental properties cannot be mixed. Limits on occupancy per bedroom. Maximum number for day guests. Restrictions on adding bedrooms (sofa beds could be considered), off-street parking for this use in congested parking areas.

The separate stand-alone ordinance for Airbnb is mainly to address the administrative issues. It will give requirements for licensing, processing, fees, terms, verification. Stand-alone ordinance will prohibit disorderly conduct, campers & outdoor sleeping, fireworks, changing appearance. Safety measures will also be covered. Inspections will need to be done by code official. Handling violations and nuisances, suspension of licensing, holding owner accountable, provisions or appeals. These items can change so it is good to have a stand-alone ordinance to make the process easier.

Randy Rannels asked if owners of Short-term rentals would still have to go through special exception for an in-home business? Ms. Leonard said she was not contemplating that if people wanted to establish a short-term rental, that they would have to go through both the in-home business process and short-term rental process. She has not seen anyone handle it that way. Mr. Rannels asked if a duplex is used as a business on one side and the other side for short-term rental and they do not live there, would the rental need approval for in-home business then? Ms. Leonard said they would only need approval for short-term rental for the space being used for transient guests. If a property owner lives in one unit and rents the other, it could also depend on if there were cooking facilities. Ms. Leonard explained if it doesn't have cooking facilities, it is a bed and breakfast. If it has cooking facilities, it is a short-term rental. Ms. Leonard said they will talk to Michael Bingham regarding the zoning aspects to see if there is a need to define this more.

Debra Miller asked how the fees will be set. Amy Leonard said it might be a good idea to have a discussion with ARRO to see if they handle this in other areas, and how much time they spend on this. Administrative time will need to be considered also. John Schick said a nearby municipality charges 1,000.00 per application. Randy Rannels said maybe it should be a two-part fee in case it does not get approved.

John Schick asked if this covers room rental. Amy Leonard said no. She thinks that falls under boarding house.

Mr. Schick asked how many people are allowed to rent a 4-bedroom home. Amy Leonard said it is 2 per bedroom, but they can set it however they want. She pointed out that Michael Bingham will be at the next meeting, and he can answer the zoning questions then. Ms. Leonard pointed out that these properties will be required under the building codes to have sprinkler systems and wired type smoke detectors. She said that is why it is a good idea to put these types of rentals in the commercial district because most of these properties already have the items to meet the Building Code requirements. She said it will be very hard for someone in the residential area to meet the building code requirements for this. Ms. Leonard said it is up to the borough to add the items covered from a health and safety standpoint and the property owner can add a list of their own restrictions. Ms. Leonard said that it is her understanding that building code has a separate designation for a "residential use" for *transient guests*, and that is what makes these properties more like hotels. Parking needs to be considered, and if it can be leased off-site parking. Lauren Houck asked where sprinklers are covered. Ms.

Leonard said it falls under the section that states you have to comply with all building codes and other borough ordinances. Adam Gochnauer asked what the procedure is for long term properties vs. short term. Ms. Leonard said that a long-term is a rented unit and short-term falls under 30 day or less and it is covered under the state rule for sales use and hotel occupancy tax which is non-negotiable. The way that most people get caught renting short term rentals is on Airbnb and VRBO or somewhere on the internet. Ms. Leonard said it is common for people to do residential leases on a month-to-month basis, and that is probably why the state decided to define short term rentals as 30 day or less rentals. Ms. Leonard said she anticipates the borough staff will keep a list of short-term rentals on file. Debra Miller asked if there is a long-term rental ordinance. Ms. Leonard said you can require safety standards and codes are met, but a municipality cannot get involved with what is in the lease. There are residential licensing programs used in some municipalities, but this does not dictate where the rentals are only that the safety requirements are met.

Ms. Leonard said this was a great start to discussing this ordinance and it was a great start to discussing the short-term rental ordinance. The discussion will continue at the next committee meeting with Michael Bingham, who can help answer the questions regarding zoning. John Schick asked at what point this will go to Planning Commission. Amy Leonard said the stand-alone ordinance will not go to Planning Commission just the zoning amendments will. After council is finished making the amendment to the zoning ordinance, a motion will then need made to transmit the zoning ordinance amendments to Planning Commission and to Lancaster County Planning and under the law they have 30 days to review and then issue comments and recommendations. Ms. Leonard recommends council wait until they receive the input for consideration, before advertising the ordinance. Mr. Schick said the stand alone will have a lot of the regulations and because of this asked if it should go to PC. Ms. Leonard said it is ok to send it along with the zoning amendments, but PC's job is really to review land development plans and zoning amendments and they are just a recommending body.

4. Karen/Amy: 6040/6050/6060: Randall Kline Auctioneers

Randall Kline did come out and look at the properties. He said we will first need to pick a date and time for the auction to allow for advertising and putting signs out. He also said it would need to be decided what the reserve amount should be. Mr. Kline said any questions regarding auction of properties from interested buyers should be sent to him and that the borough should not answer these questions. It will be an as-is auction and the buyer will pay all transfer taxes. Three open houses will be held prior to the auction and someone with knowledge of the properties should be there. On auction day, the solicitor and possibly a few council members will need to be there. The auction will also be online. Amy Leonard pointed out that an appraisal needs to be done to establish an open bid. Ms. Leonard said that if the auctioneer is going to add the zoning district, it should be known that the properties are NC, but they are old and therefore could be non-conforming.

Adam Gochnauer said that it is harder to sell properties in colder weather at an auction, so it would be good to sell the properties in Fall. Randy Rannels suggested aiming for the middle of October. Manager St. Clair said it would make her nervous to sell the properties prior to the new office being done in case the date gets changed again. The building will have to be vacated 60 days after the properties are sold. Mr. Gochnauer said that auctions for vehicles without a reserve tend to get more attendees. Amy Leonard said her office handles a lot of public auctions for estates and a reserve is common and they do not usually have a problem selling it; she will look into this. Mr. Moseman said that Mr. Kline did say the fact that there are fewer houses on the market will bring in a lot of buyers. Manager St. Clair said she will reach out to Mr. Kline and ask if it is a good idea to have a reserve for real estate or not. The property will not be sold for less than the appraised value.

5. Borough Records Retention and Disposition

Manager St. Clair said with the move coming up we are looking to take a close look at the records retention manual and dispose of any records we are not required to keep. There are two resolutions in total: the first one is stating that we will follow the most recent MRM law that we fall under and the second one is an itemized list of documents we will dispose of. A shredding company will take care of the disposal.

6. Lancaster Bicycle Club: Covered Bridge Classic Ride

Manager St. Clair said she has requested a certificate of insurance from them. The mapped route will be the same as in previous years. This will be put on the next agenda for a vote.

7. TE 160 application for 72/Miller and 72/Enterprise

Manager St. Clair said we did receive the grant for the signal light upgrades at these intersections. This is for the normal application that we now need to submit to PennDOT. This is on the agenda for tonight under action items, to allow Rettew to submit this application for the borough.

8. Review Account Payables 05/25/2023

No additions to the regular bills.

9. Misc. Items

Manager St. Clair

Tom Huber currently holds this position until January 2024, but does not want to hold another term. There were two interested people in this position, but we have only received one letter of interest for the position. This will be put on the June agenda.

Revised schedule for office renovations was received. They will start demo on June 19. Projected project completion date is October 26.

The person who runs the Hockey Rink reached out to Manager St. Clair about the condition of the rink. She met with him at the rink, and he asked if the borough would be able to help with the cost of repairs. He expects the repairs to cost 20,000.00. Manager St. Clair did tell him that this is not something that we have done in the past. He said they might have to move to Lititz. Manager St. Clair said she told him to look into some grants and hold some fundraisers, and she did do some research and found a U.S. Hockey League grant due March 31, is available. He did say he would like to renegotiate the terms of the contract if they stay here. Lauren Houck said currently nobody is allowed to use the rink except for the league. If the league would no longer use the rink, it could be used by the community for something. There would also be more parking available for the pool to use.

Manager St. Clair said that last week the trash company reported many homes had bagged grass out without tags. The trash company will only collect grass in brown bags with grass tags.

10. Fire Company Financials – for review only

Next food truck event will be held on June 16.

II. ACTION ITEMS:

1. *It was moved and seconded (A. Gochnauer / R. Rannels) with unanimous approval by the board, to approve the April 27, 2023, Borough Committee meeting minutes.*
2. *It was moved and seconded (A. Gochnauer / R. Rannels) with 4-1 approval by the board, to approve the TE-160 application for the Traffic Signals at 72/Miller and 72/Enterprise and for Rettew to submit to PennDOT on behalf of East Petersburg Borough. John Schick abstained due to his employment with Rettew.*

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

IV. Committee Meeting Adjournment: 7:36 p.m.

VI. Executive Session for legal & personnel matters: 7:42 p.m. – 8:29 p.m.

Next Meeting: Tuesday, June 6, 2023, Council Meeting & Thursday, June 22, 2023, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary

June 22, 2023

MINUTES OF THE COMMITTEE MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	June 22, 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 James Malone Mayor: Borough Manager: Supervisor:

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

Moment of Silence / Pledge to Flag

Visitors: Tammy Moseman, James Swarr, Don Schoenberger, Natalia Latsios, Samuel Maurer V, Karyl Carmignani.
James Swarr was recording the meeting.

I. PUBLIC COMMENTS:

1. **James Swarr** said there are people out soliciting every week in the borough without a permit. He said they are pushy and when you ask them where their permit is you hear a lie rolling out because they are used to it. He recently had a teenager, along with someone who might have been an older brother, selling raffle tickets for Hempfield rec basketball team. He said the tickets were the same ones you can buy at a retail store, and he was not sure if this was legit or not. He would like to see the ordinance revisited.
It was pointed out that the solicitation was recently updated (2022). Amy Leonard, Borough Solicitor said it would not be possible to eliminate soliciting entirely. There are certain groups that are allowed to solicit whether they have a permit or not. Ms. Leonard said if they are knocking on your door because they are working in your area, it is still solicitation. Ms. Leonard said the best way to control it is if the police come. Mr. Swarr said he did call the police and he watched them talk to the solicitor and then the next night they were back out. Ms. Leonard said the police should be giving citations and there should be stronger enforcement mechanisms being used. Manager St. Clair told Mr. Swarr to contact her, and she will address it with the police and bring this up at the upcoming police meetings. Michael Bingham pointed out that the ordinance was set up with a minimum fine amount so it should make it easier to enforce for the police. Ms. Leonard said she has seen municipalities deny permits to companies for a period of time for continuing to solicit without a permit. She said residents should also ask for ID's and ask names, and this would help to track who is continuing to solicit without a permit. She also said if they are in a vehicle the police would probably be interested in the vehicle information. Residents were told to report soliciting to police and to the office. Lauren Houck said to find this information on the website you need to hunt for it and maybe it could be made easier to find. Manager St. Clair said she will take a look at the website to see if information can be made easier to find.

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. **Lancaster County Housing and Redevelopment Authority – Review programs available to residents.**
Michaela Allwine, Director of Housing and Community Development was in attendance and reviewed some of the programs available. Ms. Allwine said they have a county authority and oversee the housing choice vouchers throughout the county, as well as the emergency rental assistance program. Their human services dept. oversees

the homelessness coalition for the county. Ms. Allwine said she does not represent the housing or homelessness coalition; she works with the re-development side.

Public Facilities and Infrastructure Program: This is a grant program for municipalities that can be applied towards infrastructure/public facility projects that the municipality oversees. It is a 200,000.00 grant per project, and it can be applied for annually. The grant is normally based on area median income but can be looked at individually by those affected by an infrastructure project.

Manufactured/Traditional Home Repair Program: They work with homeowners that have an income of 80% or less of area median to do repairs that will allow them to stay in the home they own. Granting up to 25,000.00 and an additional 25,000.00 interest deferred loan paid back at sale of home.

On state level they developed a whole home repair program, and they were given 4,000,000.00 for critical home repairs.

Rental Housing Rehabilitation: There is a program for larger scale and multi-family also. They can work with developers for community development through a federal funded community development block grant. This grant can be on a small or large scale.

There is a great need for housing for people 50 and older and they have programs for this as well.

Land Bank Authority and addressing blight: This program addresses blighted properties and works with municipalities to rehab properties and promote first time homeownership through the Tenfold program.

Homeowner Assistance Program: This program can assist homeowners when a municipality is requiring an entire block or neighborhood to redo sidewalks or pipes. The municipality can opt into this program and that way people who qualify for the program (80% or less of AML) can get assistance through a grant.

Municipal Planning Programs: This program can assist municipalities with community planning activities.

Vacant Property Re-investment board: This program is open to municipalities in Lancaster County for blighted properties by engaging homeowners in getting the property into a safe condition in hopes of the property owner keeping their property.

Sam Maurer V, asked about the homeowner assistance program and if it could work for Lemon St. sidewalk replacement project and said this is the first time he is hearing about this. Ms. Allwine said she would need to talk to the borough about getting signed on and they would work with the borough to get an MOU and everyone in the specified area who qualifies could apply. Ms. Allwine said she was asked to be here by Manager St. Clair to share information on their programs. Ms. Allwine said they don't typically advertise and because of this a lot of the municipalities and property owners do not know about these programs. She said they have 20,000,000.00 budget per year for the county funded through federal, state, and local allocations.

2. **Satish Dwivedi – Indian American Fusion Group of Lancaster: Event at our Community Park.**

Satish Dwivedi was not in attendance.

3. **Graystone Rd. subdivision as-built plans: Review waiver as per recommended by ARRO Consulting, Inc.**

Michael Bingham said the community is complete and they have submitted the As-builts. They are asking for a waiver because some of the raingardens don't meet certain thresholds for their freeboard. The ordinance requires 6 inches and some of them only have 2 inches. The 2 inches could have been at only one point in the berm, but they are required to record the depth from the highest point even if it is only at one point. Mr. Bingham pointed out that the ordinance is geared for larger infrastructures. Mr. Bingham said he thinks the raingardens are acceptable as is and he recommends granting the waiver. He does not think it is necessary to have all of the homeowners involved dig up their properties for 3-4 inches of soil on a berm. He recommends accepting the waiver and close this out. Mr. Bingham said they are still functioning as they should.

Adam Gochnauer asked if this was an error on their part. Mr. Bingham said it could be an error or just be settlement. It has been years since the raingardens were put in and the inspections were only recently done. Mr. Swarr asked if they could settle further and become an issue. Mr. Bingham said it is possible, but every property owner has an (O&M) Operation & Maintenance Agreement, and this requires them to maintain the basins and if they do not function properly at any point, the homeowner would have to bring them back into compliance. Amy Leonard explained that normally a developer requests a waiver in the beginning during the plan approval process. She said if they knew that they were not going to meet the requirements, they would have submitted the waiver at this point (2019). Ms. Leonard said they are asking for the waiver because they do not want to have to go back and redo all the berms. Michael Bingham said he would have denied the waiver in the beginning because it could have settled even more.

Adam Gochnauer asked if they grant the waiver would the borough then be liable if there is a flooding issue? Ms. Leonard said the Operation & Maintenance agreement requires the property owner to keep the basin functional and as long as they do that, whether there is 2 inches, or 6 inches is really not going to make a difference functionally. Ms. Leonard said that the O&M agreement points out that there is no guarantee that they

will never get flooding. The goal is volume and rate control, but it is not always a perfect mechanism to prevent flooding in a 100 year flood event because the rain volume of the flood would be the cause of the flooding. Mr. Bingham pointed out that even though it is called a 100 year flood event it does happen more than every 100 years. It is based off of a certain amount of rain in 24 hours. With these events it is possible and likely that they will overtop, but it is not a safety hazard if they do because of how small they are designed. There are only a few that have measured less than 6 inches, but we will be giving a blanket waiver for all of them in the subdivision. Michael Bingham explained that a swale is conveyance which allows the water to flow through. Raingarden is like a bowl that water discharges into and infiltrates through the bottom. If the raingarden functions as it should, the water does not leave the basins. The raingardens are vegetative, and homeowners should leave the native vegetation in place and not mow down or place structures and other items in this area. They are usually self-maintaining. Jeff Moseman said he recently inspected the raingardens for MS4, and they are being maintained well.

4. **Amy Leonard / Michael Bingham: Short Term Rentals**

Amy Leonard provided council with draft zoning amendments that define short term rentals and general zoning regulations in terms of basic requirements and what districts this would be allowed in. Council was also given a draft ordinance that is specific to regulating short term rentals and goes into much more detail to provide for defining short-term rental and licensing program. The ordinances are not close to being adopted and are still going through the review process and discussion on how to regulate the short term rentals.

John Herr said Lancaster City has Home Space use in residential areas and asked if this is something we would want to consider in our residential area where we do not allow anything currently. Amy Leonard explained that Home Space in Lancaster City is defined as a single family dwelling unit where a maximum of 2 bedrooms are rented by written contract on a short term basis and where a property owner currently occupies the dwelling unit. Ms. Leonard said the ordinance she prepared does not define home stay and does not allow for short term rental in residential areas. She explained that currently home occupied short term rentals are defined in the zoning ordinance as Bed and Breakfast and whether or not someone offers breakfast is not that relevant. The important components of a Bed and Breakfast are that it is owner occupied and a very short term rental period. In a Bed and Breakfast, a renter cannot have a cooking unit. The owner is controlling the cooking unit. Airbnb is currently not allowed in residential areas, but it is allowed in NC. Ms. Leonard explained that commonly short term rental e.g., Airbnb's are found in NC when a small business occupies the first floor, and the second floor is then used as the short term rental. Michael Bingham said that the current ordinance and proposed ordinance does not allow for short term rentals to transient guests in residential areas because it does not fit with the use of a typical residential neighborhood. John Herr said what if you rented a room to a college student or nurse? Ms. Leonard said you can rent your home out long term because it would fall under a residential occupant rather than short term which is meant for transient guests. Certain uses hotel, motel, Airbnb, boarding houses all fall under transient.

Debra Miller asked if the property on Stevens St. could then rent out the additional space they wanted to use for Airbnb. Michael Bingham said the issue on Stevens St. was a secondary kitchen and explained that when there is a secondary kitchen it adds a secondary dwelling unit, and it is only permitted in that district to have one. If it is a unit of care for a relative, then it has to be turned back into a single dwelling when the unit of care is no longer needed. This means removing the kitchen and converting it back to a single family dwelling. Amy Leonard said that a unit of care must only be used as a unit of care. It cannot be used as in-law quarters or a rental.

James Swarr said he knows of 3 group homes in the borough and asked where this falls. Ms. Leonard said it is a specifically defined and regulated use that doesn't fall into residential dwellings and does not fall into transient guests, it is in a category of housing, and we are now working on making short term rentals a category of their own. Ms. Leonard said according to the zoning ordinance a Group Home must be licensed and can be located in any zoning district and operated by a responsible individual, family, or organization with a program providing a supportive living arrangement for individuals where specific care support is needed due to age, emotional, mental, developmental, or physical disability. Mr. Bingham said these homes must be regulated to be sure they are safe for residents. James Swarr said he did contact Collin at the borough office about the boarding homes. Mr. Bingham asked Mr. Swarr to forward the information to him also, so he can look into this farther. Mr. Bingham said he reviewed an application for a boarding home over a year ago and it was an allowed use, but still had to go through the permitting process and meet all of the requirements. Mr. Swarr said there are several lawsuits for the owner of these group homes in other areas because they have not gone through the proper processes.

Michael Bingham explained that a single unit dwelling in the residential district can only have one kitchen and if a second kitchen is added it then becomes a 2-unit dwelling therefore a second kitchen is not allowed. In a situation where a unit of care is needed a second kitchen can be added, but the kitchen must be removed after is no longer needed as a unit of care.

Debra Miller said she found property leasing regulations that require names of lessees. Amy Leonard said this is not enforced and is actually obsolete and could be removed at this point in time. Adam Gochnauer said he liked both the stand alone and the updated zoning ordinance for short-term rentals and thinks it covers everything and it is well done. Debra Miller said she thinks it covers all the bases. John Schick agreed.

Mr. Schick asked if a long-term rental of a room in a house can still fall under a single-family dwelling unit depending on how many people are in the home. Michael Bingham said if you don't have a separate kitchen facility and it is a long-term rental then it is essentially a roommate. Boarding home is based off the number of unrelated people. Family is defined in the ordinance, and it can include non-related people. Regulating rentals in a residential district is much more involved than regulating rentals in a commercial district and would be costly. Fees for short-term rentals should be charged for initial application and an annual registration fee could be charged. Information needed for the application should be made clear so all information can be supplied before initial inspection is done.

Natalia Latsios said she would like to be able to have an Airbnb at her property on Lemon St. She renovated the duplex home she lives in and intended to use part of her home as an Airbnb. She did check the website for short term regulations prior to purchasing the home and did not find it on there. She purchased the home and put over 100,000.00 into renovations, and then started renting on Airbnb until she received a Cease and Desist. She is zoned a duplex and it is fully separated with off street parking. She said there is a need for short term rentals, and this is restricting the use of her property. She said allowing short term rentals helps generate revenue for the area businesses and for the homeowner and can do the same for the borough. She would like council to consider variances for this use. Ms. Latsios has now rented the space out as a long term rental.

Amy Leonard pointed out that as soon as you use a property for transient guests your property becomes commercial, and sprinklers would need installed, and all ADA requirements would need to be met. Michael Bingham said that short term rentals are a commercial enterprise, and it is not in character with the district she lives in. Ms. Leonard said the proposed ordinance has a provision that would not allow for long term rental and short term uses to be mixed. The reason for this is because she has seen properties that have tried to do both, and it disturbs the residential nature of the property. Mr. Bingham said it is not acceptable to allow only one person to use their property one way when others cannot, it is considered spot enforcement and that is illegal. Ms. Leonard said she should have had an occupancy license from the state and paid hotel tax and pointed out that under the proposed ordinance it would be required.

Sam Maurer said he has a single family home near Ms. Latsios and has children and his concern with short term rentals would be for safety of the community and he is concerned with strangers coming into the area on a random basis and transient guests just do not seem to fit with the smaller community we have here.

Tammy Moseman said she lives near Ms. Latsios' s property, and she did not even notice there was an Airbnb, and it did not cause her a disturbance.

Adam Gochnauer pointed out that the borough has received many complaints about homes being used for short term rentals. Michael Bingham concurred.

Ms. Leonard said that she understands that people who have Airbnb's want to keep it nice and get good reviews because it is good for their investment, but that needs to be separate from what council wants residential neighborhoods to look like and even if they are terrific transient guests, it is not going to be a person with a vested interest in your community. Transient guests do not run for council, school boards, or put their children in the schools here and are not here to become your neighbors. She said most owners want what Mr. Maurer wants and that is to have a neighbor who has made a commitment to live in this community. Council needs to decide what they want the neighborhoods to look like and what degree of transiency do you want in these neighborhoods. John Herr said there is a well-documented effect of allowing Airbnb's: it makes housing less affordable for single family owners and it makes the use of a property more profitable as a short-term rental and thus dries out single family ownership. Mr. Bingham said it can bring in more investors that do not reside in these properties. Ms. Latsios asked if it could be allowed for only a certain percentage. Ms. Leonard said ultimately it is councils' decision as to what they want the borough's residential area to look like.

Adam Gochnauer pointed out that this whole discussion got started because we received complaints from residents about loud noise and partying at Airbnb's. He said it's the same for single homes and apartments, if a short term rental is in with long term residents, then there is one that could ruin it for everyone because they are not vested. Mr. Bingham said for the many years he has worked here, he has had plenty of complaints about neighbors, but has received twice as many about short term rentals.

Amy Leonard told Council that now is a good time to propose changes or adjustments to this ordinance. John Herr said he likes the ordinance, but asked why the ordinance says council would be the venue for hearings. Ms. Leonard said if a property owner would appeal a denial of a license, then it would come before council because it would be considered an administrative appeal.

Sandra Valdez said she thinks it is laid out well and said the more information that is provided the better it will be for someone trying to pursue this.

Adam Gochnauer asked everyone to use the break between meetings to take a look at the ordinances and give any additional recommendations for change within the week. Ms. Leonard said that council would need to submit any adjustments to the ordinances now before sending them to P.C. and also Lanc. County for the 30 day review. The Planning Commission and Lancaster County are required to review any changes to the zoning ordinance. The stand alone ordinance can still go to P.C. because it will be helpful for them to put it all in context. She said the longer stand alone ordinance would not get adopted before the zoning regulations are adopted and it would be best to put both ordinances in place at the same time. P.C. and Lanc. County will review and add comments for council to consider, and after council reviews these comments, the ordinance will need advertised and a public hearing held before going to council for a vote.

5. Hockey League Complaints

Complaints were received regarding the Hockey League and the activities of this past weekend. Manager St. Clair reached out to HARC because there have been issues in the past and wanted to know what was happening there now. Mr. Book said some of the biggest problems are trash and language. The pool staff said what was going on last weekend was obnoxious due to the language, parking, and trash. They received several complaints. There was tailgating going on and tents in parking spaces, smoke was coming into the pool area where the small children were. They have also had issues with people with the hockey league drinking beer and the reason they know this is because they see the beer cans in the trash. Pictures were shared with council that were received by residents who witnessed what was going on. Manager St. Clair said one of the coaches that she talked to said he would address this issue at the meeting they were going to have tonight. The league did approach Manager St. Clair to update the agreement. Each year they send a renewal letter, schedule, and a certificate of insurance. Another issue HARC is concerned about is that they are not maintaining the rink and it is in bad shape. It was pointed out that HARC said concessions would not be affected because there would only be more trash to be picked up. Manager St. Clair did let the hockey league know that the borough can not get involved in repairs because the other teams have to pay for their own repairs and improvements. The league told her that it was not a problem, and they would look into options for repairs and improvements. It was pointed out that the hockey league has 20 adult teams using the rink. Adam Gochnauer said he was around when this agreement was put into place, and it was because of the trash and staff always picking up after them. The language and parking have always been a problem and pointed out that it is not usually East Petersburg residents. Mr. Gochnauer said the hockey league was warned if the problem persisted, they would be gone. He said the pool and HARC are a lot more important to the residents than dealing with this with the hockey league. He said the agreement was supposed to correct the problem and it did not. Sandra Valdez said if they have been warned and they are still violating what has been asked of them for years and years, then it should not be renewed. Councilmembers all agreed the agreement should not be renewed and the rink should be removed, and they will receive a 30-day letter of notice. This will be put on the July 5th agenda.

6. Trash/Recycling items: increase in Bins & Appliance tags

The Borough's cost for recycling bins through LCSWMA has been increased to 12.95. We currently charge 10.00 and are proposing to increase the selling price to 13.00 to cover the cost.

The Borough's cost for disposal of appliances through LCSWMA has increased to 19.00. We currently charge 15.00 and are proposing to increase the selling price to 19.00 to cover the cost.

Council said they would be ok with this as long as there is not a lot of administrative time spent on this because then that time would need to be considered in the cost as well. Manager St. Clair said there is not much time spent on this and there are no additional fees being paid because we only collect cash or check as payment. This will be put on the July 5th agenda.

7. Jeff Moseman: Update on the Meadows Bio-Swale project

This project started on May 29. The land was surveyed and prepped as well as storm water management measures put into place for construction area. Walking path was removed. Excavation work started. Old piping was removed, and some will be buried in place.

They did find a sump pump line draining into the SW pipe.

Rainstorms have caused issues with washing new construction away. Sewer line was hit and repaired. LASA is working with ARRO to make corrections to the area. He pointed out that if it keeps raining it will be hard to keep the seed in place.

8. Jeff Moseman: Review Verizon Cell tower upgrade

Verizon will start work on July 13 to replace radio heads and add CVR antenna units. This is part of a project from 2019/2020 that was delayed due to covid. A pre-construction meeting was held with Doug DeClerk and Verizon. The project will take 1-2 days to complete. Doug DeClerk will do a follow up inspection of the water tower.

9. Jeff/Karen: Support letter for Lancaster County Planning Department – phase 1 Act 167 Plan

Lancaster County Planning Department is looking for support from municipalities to update the phase 1 county-wide watershed based stormwater management plan to fulfill the requirements of the Pennsylvania Stormwater Management Act 167. The county wide approach will provide cost savings and efficiencies through economies of scale. Completing a watershed-based stormwater management plan will provide an opportunity to draft and adopt a model stormwater management ordinance that will be responsive to local needs while meeting PA DEP requirements. Jeff Moseman will participate in the update of the plans and participation on the Act 167 Advisory Committee.

10. Review Account Payables 06/22/2023

No additions to the regular bills.

11. Misc. Items

Debra Miller

Announcement of Back-to-School Event held at Clipper Stadium on Sunday, August 13th from 12:00 – 2:30 for K through 8th grade students. This year it will be open to East Petersburg students. Children will be able to receive free: haircut, new shoes, and a backpack with supplies, and attend a Barnstormers game at 5:00 p.m. You can find more information and register for the event at www.pahouse.com/sturla. Register before August 8.

The fire ban has ended but we are still on a draught watch, so please be careful with fireworks. Fireworks cannot be exploded within 150 ft of a structure, school, church, park, or recreation center.

Manager St. Clair

The office renovations did start this week on Monday.

We hired someone for the water department.

12. Fire Company Financials – for review only

We did not receive the financials for the meeting. We should have them by the July 5th meeting.

II. ACTION ITEMS:

1. *It was moved and seconded (A. Gochnauer/R. Rannels) with unanimous approval by the board, to approve the May 25, 2023, Borough Committee meeting minutes.*
2. *It was moved and seconded (J. Schick/A. Gochnauer) with unanimous approval by the board, to approve Graystone Road Subdivision As-build plans waiver as recommended by ARRO Consulting, Inc.*
3. *It was moved and seconded (S. Valdez/L. Houck) with unanimous approval by the board, to approve the Letter of Support for Lancaster County Planning Department for Phase 1 Act 167 Plan with Jeff Moseman participating in the Act 167 Advisory Board.*
4. *It was moved and seconded (A. Gochnauer/J. Schick) with unanimous approval by the board, to approve the fireworks application from the Events Committee for June 30 and September 23.*

June 22, 2023

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

IV. **Committee Meeting Adjournment:** 8:44 p.m.

V. **Executive Session for legal & personnel matters:** 8:50 p.m. – 9:34 p.m.

VI. **Regular Meeting back In:** 9:34 p.m.

VII. *It was moved and seconded (A. Gochnauer / J. Herr) with unanimous approval by the board, to approve what was discussed and approved for personnel*

VIII. **Regular Meeting Adjournment:** 9:34 p.m.

Next Meeting: Wednesday, July 5, 2023, Council Meeting & Thursday, July 27, 2023, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary

July 27, 2023

MINUTES OF THE COMMITTEE MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	July 27, 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: Borough Manager: Supervisor:

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

Moment of Silence / Pledge to Flag

Visitors: Grant Keener, Tammy Moseman, Samuel Maurer V, Josh Roberts, James Swarr, Mary Armstrong, Erik Mause
James Swarr and Josh Roberts were both recording the meeting.

I. PUBLIC COMMENTS:

1. Tammy Moseman said her contractor wanted her to ask what happens if he has contracts for 6 or 7 properties to replace curb and sidewalks, and he needs to extend it over the August 31 date due to weather conditions or things out of his control. John Schick said it is fine as long as someone has committed to having the work done on their own. If they have not committed by the August 31st then it will be included in the borough's work and billed out to property owner.
2. James Swarr voiced concern for how the decision took place or didn't take place regarding the Hockey League. He received his Right to Know requested documents of what went on and there were only discussions with Karen and the Hockey League. He asked when the decision was made and discussion with public made to reverse what council said regarding shutting the hockey league down. He said he has it recorded and he does not care about hockey, he cares how the board makes decisions and with who and with the knowledge of the public. He asked what and how the discussions and decisions were made regarding the hockey league between June 22 and July 5. Manager St. Clair said she was not at the last committee meeting but from listening to the meeting from July it was at that meeting. The original meeting took place in June. James Swarr said that Adam Gochnauer said at the June meeting if they don't care he is done, and he would rather deal with HARC and then at the July 5 meeting changed his decision to renew. John Schick said his recollection is there was never a vote, it was discussed what everyone's opinion was based on the discussion at the June 22 meeting based on the evidence they received from the complaint and the pictures. The hockey team caught wind of this discussion and responded by letting Manager St. Clair know they wanted to come to the July 5 meeting to address council about the complaint and give their side of the story and Manager St. Clair said she would invite HARC to get their side of the story also. At the July 5 meeting, the hockey league came to the meeting and HARC did not, so we did not get HARCS side of the story. Mr. Schick said at the July 5 meeting the hockey league reported they talked to their members about the situation, and they said they would get their act together and take care of the issues. Mr. Schick said it was at that point at the July 5 meeting that they started to discuss coming up with an agreement. Mr. Schick said to his recollection it was only discussed at the June 22 and July 5 meeting. Mr. Swarr said he feels the discussion on July 5 was not in depth enough to change their minds and feels this was not the first time they spoke about this after the June 22 meeting. Debra Miller said there were no other deliberations behind the scenes. John Schick said the hockey league presented their side of the story at the July 5 meeting and council said they would give them another chance with a new agreement. James Swarr said he did not hear a story from

the hockey league on July 5, he only heard excuses. John Herr said he was on the recording saying he enjoyed his nephew playing in the hockey league and the hockey league said they were going to make it right, and he was happy to hear that from them.

Adam Gochnauer said when the June 22 meeting happened, he had no love of keeping the league because they have been apart of this for years and the contract was terrible and they violated it, and there was nobody here from the league, and council was discussing it from the complaint side. Mr. Gochnauer said from that discussion it was unanimous that they were going to report to them that they were not going to renew. Mr. Gochnauer said when this got to the league and the residents, they responded by saying they wanted to meet and talk about it. Mr. Swarr asked how it was communicated to council that the league and families wanted to talk. Manager St. Clair said the hockey league e-mailed her and said they wanted to talk to council about this. James Swarr said that council's tone at the June 22 meeting was that they were fed up and finally going to do something about it. Mr. Gochnauer said he was absolutely fed up with it at that point and after the June 22 meeting he went to HARC and asked if they feel the hockey league is a problem and they said they do not mind the hockey people being here if you can get them fixed. Manager St. Clair reached out to them and to their credit they came to the July 5 meeting to express their side of things. Mr. Gochnauer said at the July 5 meeting he pointed out to the hockey league that the contract they are working under is terrible and new terms and repercussions were discussed with the league, council, and the solicitor that night. Mr. Gochnauer said that when someone comes to the meeting and says they screwed up and would like to stay and HARC is ok with this and is willing to sign a contract to do something to correct it, then he is fine with it. Mr. Gochnauer said the hockey league draft agreement is on the agenda to be reviewed tonight. Mr. Swarr said that HARC doesn't live here, the residents do. Mr. Gochnauer said he couldn't go to 5,000 people, so he went to the pool because they were one of the ones complaining about the hockey league issue. If HARC would have said they did not want this deal with the hockey league then it would have made this very different, but they have no problem with the hockey people if the language and parking issues could be addressed. This contract they are reviewing for the hockey league has much more in it than the last one did, and if they don't follow it, there are repercussions.

Josh Roberts said that it does not sit well with him that taxpayer money is being spent to draw up an agreement for a group that benefits a select few citizens, so we can make sure they behave because this has been going on for years and the last contract did not have enough teeth to enforce anything. He said there are still standards that should be followed and if they are that obtuse that they do not recognize this and this is the last hockey rink, then he is not sure we should be investing taxpayer money into having our solicitor draw up a contract for them when they have already proven things. Mr. Roberts said he feels that just because we have more teeth just means we have potential for this issue for another year or however long it takes. Mr. Roberts said other people who wanted to have chickens have come to a meeting with facts and research and they get shot down. He pointed out we do not have a community garden that would benefit a lot more people than a few hockey players. Why not build a sense of community and use taxpayer money more wisely then on a contract for someone that should have already been following the rules. Adam Gochnauer said that the world is attorney based and people should have common sense and should know what to do and what not to do, but unfortunately that doesn't happen, and the problem is with the old contract. Nothing could be done about it because it wasn't spelled out what would happen. Mr. Gochnauer said that he agrees we should not have to have this, but we live in a sue happy world and if we decide not to continue with this we will be covered under this agreement. Mr. Schick said that is similar to needing to have an agreement with HARC and he pointed out that people from outside the borough come use the facilities and come to our parks and same with the baseball field. John Herr said he does not think having athletic activities available to teens in our community is a bad expense of taxpayer's money. He said he has fond memories of his next door neighbor and their friends, etc., just a bunch of guys playing hockey over there, and pointed out that the hockey rink does not cost us any money. Mr. Roberts said if you are going to consider writing a contract for this then why not write an agreement for chickens. Mr. Schick pointed out that this is the first time we have seen any pictures and it is really no different than someone throwing trash in the park and common areas.

3. Josh Roberts asked where citizens are to get information on HAFSC. He said there has not been one meeting all year and the fire department was authorized by the borough to go on their behalf, but we are not getting updates. Adam Gochnauer said unfortunately there are a few internal things going on right now, but you are right they should have a person at every meeting to answer these questions and he has asked for this also. Mr. Gochnauer said he will ask for someone to come to the August meeting because he is supposed to sit on a finance committee which doesn't really exist right now, and he is not a member so all he can do is ask and he has great frustrations with it as well. He said at the Council meeting we usually have a representative and it is a good question to ask. Ms. Moseman said she recalls they were having meetings with the chiefs and that is what the commission is for now and Don Schoenberger said he would come and give us updates. Mr. Gochnauer said that they are usually at the council meeting and not committee. Mr. Gochnauer said he agrees with Mr. Roberts and

would like to have more information and he will ask again. Mr. Gochnauer said they have issues going on and it is not our fault and there has been resistance with the building at the fire department. Ms. Moseman said what about Diane Garber, she is still an employee of the borough, and she does not attend the meetings. Randy Rannels said that Diane Garber and Chief Kottmyer are supposed to be taking turns attending meetings. Manager St. Clair said she did discuss getting reports in a timely fashion and was told by Ms. Garber she would make sure we have them, and somebody would be here. Randy Rannels asked if Chief Kottmyer is back from his leave. Manager St. Clair confirmed he is back. Tammy Moseman said our tax dollars are going to pay for Diane Garber and there is no representation from her or Mr. Kottmyer. Randy Rannels said she is involved in making sure the events are performed to safety standards. Ms. Moseman said she understands, but the residents do not see that, or the reports, and it is getting to be salty. Mr. Schick said the ambulance service is here to give the reports and then can leave when they are finished, so she could just do that too. It was asked if there is a link on the website for Diane Garber. Manager St. Clair said she will look to see what is there. Mr. Gochnauer said between John, Don, and Diane one of them could be at the meeting.

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. Affordable Paving – owner Tom Schumate

There have been issues with the work this company is doing and complaints were received. Tom Schumate was to be at the meeting but was not in attendance. John Schick said the contractor does not seem to give a hoot and reported the following:

The equipment should not have been parked in the street and the stone should not have been piled in the road unless there was a signed agreement to do so, and there was not. This is all in the contract. They have since cleaned things up. Another concern was they shut down traffic while pouring concrete and did not have flagger force as they are required. They are paid for this service, so it should be looked at by the borough solicitor to see if we can deduct this from their payment. It was an unsafe situation and the contract stated they should have flaggers. He suggested that at the time ARRO inspects, if they do not have flaggers, then do not let them pour. It was pointed out that they did not call to cancel being here tonight and John Schick said by them not showing up to discuss a resolution for this situation, it does not sit well with him. The contractor was hired because they are required to hire the lowest bidder. The contractor was looked at closely by the borough engineer and the borough solicitor. Amy Leonard, Borough Solicitor, said she did look closely at this contractor, the bid document requirements and everything that was submitted. The contractor was questioned about the status of being in business. She pointed out that when a company provides all the information we ask for, the borough is not in the position to reject the bid. As required, the contractor provided a payment bond to cover work that might not get done. Ms. Leonard will look at the contract, and what it allows for time and effort to clean up problems. Manager St. Clair said they have not submitted request for payment yet. When it is received it will also be reviewed by ARRO and recommendations made. Certified payroll will have to be submitted and looked at.

2. Review draft agreement for hockey league

Council reviewed the solicitor's rough draft.

Adam Gochnauer asked if private property surrounding the facility could be added to restricted areas under 6.F to protect homeowners. Mr. Gochnauer said he is not a fan of hockey, but the team representatives had the guts to come here and address councils' concerns. He pointed out that we want the agreement to be thorough, so it covers every little thing. Randy Rannels pointed out that Section 1 states renewing dates for 2023 and 2024 for a 1-year term and does not say it renews for 2025. He asked if this should be made automatic or if they should just look at this annually to allow them to see how things are going. Amy Leonard said under the contract you always have the right to give 60 days' notice of intention to not renew from year to year. It can be written either way. It was decided to put this on the agenda each year in September to look at this rather than pay legal fees to update a few words. Mr. Gochnauer said he would like it to be added that they supply updated lists of who is in command and contact information along with a certificate of insurance. Amy Leonard will change wording to say it will automatically renew annually, for 1-year terms. If the work they are doing requires permits, the league must apply for and pay for all permits. Sandra Valdez asked for clarification on termination by both parties. Ms. Leonard said either party is required to give 60 days' notice if they are not going to renew. If the league is in violation, we can give 30 days and if they fail to correct the violation, we can terminate 10 days after that. If it is a trash clean up issue, they have 24 hours to cleanup.

3. Final 6040/6050/6060 brochures

Manager St. Clair, Amy Leonard, Jeff Moseman and Kevin Martin reviewed the brochures.

The word Borough will need to be spelled out in brochures.

There was an original draft easement for 6060 Main, and it does not allow for the new owner to have access to the 10 parking spaces. This was originally going to be put into place to allow the borough to have full access of stormwater facility and overflow parking for staff, but we are now moving and do not need the parking but do need full access of the stormwater facility. Manager St. Clair said she does not think the parking needs to be part of the easement. Amy Leonard said she thinks the auctioneer's description assumes the parking is available. She thinks the easement should be reduced to only cover the stormwater. Having more parking available for that property changes its value to the buyer and she thinks it would be a good idea to have Michael Bingham, Borough Engineer change the drawing of the easement. Mr. Herr asked if the auction advertisement would be correct if we change the easement. Manager St. Clair said yes. Mr. Herr said he thinks this is a good way to go.

Amy Leonard received confirmation from the zoning officer that the properties are non-conforming, and it is better to be up front about this. Manager St. Clair said this will be added to the description of each property.

4. Review HARC letter requesting supplemental funding for 2024

This fee for next year – \$9,695.00. This amount was agreed to.

Council denied the supplemental funding.

5. Jeff: Items for Municibid X-Mark Zero turn mower & water softener

Looking to sell these items that are no longer needed by the borough. This is on the agenda for a vote.

6. Review Account Payables 07/27/2023

No additions to the regular bills

7. Review 2022 Financial Audit

Manager St. Clair reviewed the 2022 Financial Audit with Council.

There were no recommended changes this year. If there are any questions councilmembers can reach out to Manager St. Clair. This will be on the next agenda for approval.

8. Review 2Q23 Financials

Manager St. Clair reviewed the 2Q2023 Financials with Council.

9. Review 2024 Draft Budget

Manager St. Clair reviewed the 2024 Draft Budget for water, trash, and general accounts with Council.

10. Misc. Items from Council

John Herr said music was great at the Sweet Sounds of Summer Event. He said the generators for the food trucks made it hard to hear the music. He will discuss this with events committee.

John Schick said we received ARLE grant money to update the signal light at 72 and Enterprise & 72 and Miller. Work to be done - improve crosswalks, pedestrian signals, push buttons, eliminate loop detector, radar detection and retro reflective lights. PennDOT is on final review and should have signatures in the next week or so and permits issued. This Fall it will go out to bid for a contract and then construction will begin next year. Manager St. Clair will put together a schedule to follow for this. Planning Commission reviewed short term rental ordinances, and both were recommended for approval. Minor change was made for the height requirements for screening of an RV and for measuring of trailers - changed to tongue to back.

Debra Miller attended Mike Sterla's town hall meeting at the airport. Attended Lancaster County's Borough Association dinner in Columbia. The bridge in Columbia will need everything above the arches removed and replaced.

Adam Gochnauer asked if changing lights to LED was looked into. Jeff Moseman said he did look into this and found out we can elect to change them, but it was not a lot of savings because there is a distribution fee. They talked to PPL and were told the main focus is on the larger cities. Manager St. Clair said she can look into ARPA funds for this.

Mr. Gochnauer said with the assumption of an opening on the board, how will this all work and what is the timeline. Manager St. Clair said after we receive the letter of resignation, it must be put on the agenda to accept,

July 27, 2023

then have 30 days to fill the seat. December 31, 2023 is the end of the term, so council could choose to go to the end of the year with only 6 members. We can also advertise to fill the seat. Debra Miller said Lauren won the primary and her name is still on the ballot, and she will need to remove her name. The party committee will then have till August 24, 2023 to nominate a name to replace her. If we go through the interview process to fill the seat through December 31, 2023 it is party neutral. The 4-year term will be on the ballot. A write-in is always an option. It was pointed out that the committee will try to find a person who will fit in with the board to put on the ballot, but it is hard to find people to run. The Mayor can vote if there is a tie during meetings for regular business items. After the resignation is received and accepted it will be put on the website.

11. Fire Company Financials – for review only

II. ACTION ITEMS:

1. *It was moved and seconded (A. Gochnauer / S. Valdez) with unanimous approval by the board, to approve the June 22, 2023, Borough Committee meeting minutes.*
2. *It was moved and seconded (A. Gochnauer / J. Schick) with unanimous approval by the board, to approve the Auction brochures for 6040/6050/6060 Main Street with the changes as recommended. Auction will be held October 14, 2023 at 10:00 a.m.*
3. *It was moved and seconded (A. Gochnauer / Schick) with unanimous approval by the board, to approve Memorandum of Understanding with the Lancaster County Redevelopment Authority's homeowner assistance program to provide financial support for residential sidewalk repairs.*

This is going to help out the residents that are required to have sidewalks repaired and replaced on Lemon Street and any future projects like this. This information will be mailed out to residents on Lemon Street. It was pointed out that they do not advertise this program and there is 2,000,000.00 in funding available for this program at no cost and no expectations to the borough. It is individual based, and everyone is welcome to apply. There is no timeframe for this, it is based on if money is still available.

4. *It was moved and seconded (A. Gochnauer / J. Schick) with unanimous approval by the board, to approve the release of funds held for financial security to Hess Home Builders of \$212,317.79. The As-Built plans were reviewed by the Borough Engineer, and he recommended releasing the funds.*
5. *It was moved and seconded (A. Gochnauer / S. Valdez) with unanimous approval by the board, to approve the x-mark zero turn mower and two (2) water softeners, to be sold on Municibid.*

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

IV. Committee Meeting Adjournment: 8:32 p.m

VI. Executive Session for legal matters: 8:39 – 9:05 p.m.

Next Meeting: Wednesday, August 2, 2023, Council Meeting & Thursday, August 24, 2023, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary

MINUTES OF THE COMMITTEE MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	August 24, 2023	6:00 p.m.
LOCATION:	Community Center	6051 Pine Street
ATTENDANCE:	Council Members:	Debra Miller, President John Schick, Vice-President (Absent) Adam Gochnauer, Pro Tem John Herr Lauren Houck Randy Rannels Sandra Valdez Mayor: James Malone 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: Anette Rogers, Tammy Moseman, James Swarr, Nate Horning, Ian Meiskey, Samuel Maurer V, Josh Roberts, Cory Lyons, Bob Schwartz, Derech Duffy
James Swarr and Josh Roberts were both recording the meeting.

I. PUBLIC COMMENTS:

1. Anette Rogers asked Adam Gochnauer if this is an election year for him. He said yes. She asked if the picture from the ad with him and the borough manager were going to be used for his campaign. She said this is probably tax deductible, but political isn't. Mr. Gochnauer said there is no tax deduction and nothing about campaigning in it and no one knows he is on council by watching the ad. He has been doing ads for 40 years and he has used many of his friends and she is a friend. He said there is a marketing strategy used for these ads that don't have anything to do with council's function. He said the next ad will have someone prominent in the community in it with him because this person is a good friend of his too, plus Karen is the head of East Petersburg and he thought it was a nice mix. Ms. Rogers asked Mr. Gochnauer if he is going to ask the mayor. He said he hasn't yet. Ms. Rogers asked if the funding was received for ADA pathway and pickleball court. Manager St. Clair said we haven't heard anything yet on this. We are still waiting.
2. James Swarr asked if there was any information to share on Carpenter and Ridge intersection. Manager St. Clair said this is on the agenda to discuss tonight.

President Miller said there is a lot to get to tonight, and asked for all other comments to be made after the interviews are held.

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. **Kevin: Review Street projects and equipment needs for 2024 Budget.**

Main Park Turf Management – weed control application: Would like to treat open area at the community park for weeds, possibly begin this year if the funds are available. Hummers cost for 2024 is \$795.00 in spring and \$710.00 in fall. Our cost for 2 ½ gallon jug is \$500.00 and could be sprayed in half applications over a longer period of time for better results and safer for environment.

Shop Furnace – The heater we have is from 2008 and has leaked gas at times. The heater is currently mounted on the wall, and this is a risk because the vehicles can easily bump into it. This is the same heater that caused an explosion at Rapho Township. Proposing to replace with safer, efficient heater in the amount of \$9,995.00. We have a service contract with Swanger Bros. and the price they quoted is in line with others.

Shop Garage Door Openers – Current openers are not reliable, and do not open properly. New openers are \$3,670.00.

1 New Kubota mower with bagger - to replace 2008 bagger mower and 1997 John deer mower. These will be sold on municibid. Cost is \$15,823.72 for gas mower w/bagger. Price is honored when contract is signed. Kevin Martin will check on availability.

New Truck for Streets Department – Propose purchasing F-250 with plow & saltbox \$78,995.00 at Wittmoyers. Possible \$4,000 more if they go with lift gate. This is in stock now. This will replace the oldest vehicle we have, 2001 F-350, and can be sold on municibid.

Kevin Martin pointed out that the truck he uses now has a crane, so it needs to be left here on the weekends just in case it is needed. The new truck is a common truck, and he would be able to drive it home on weekends.

2024 Road Maintenance – Current Road assessment indicate minimal road maintenance in 2024. – Proposing crack seal and little to no fog seal requirements. Ultra-thin for 2024 postponed and recommend Lemon Street ultra-thin should wait till 2025 to allow for settling of new paving along curbs. Est. cost \$125,000.00.

Alternate use of liquid fuel funds – Proposing to replace aging 2008 mini dump truck. We have spent \$5,000.00 in last 4 years on repairs. Proposing purchase of 2023/2024 F-550 Mini Dump truck with plow and salt spreader that will hold a larger amount of salt. It is a heavier duty truck (PTO) that has a built in tarp and runs on hydraulics and has a shoot which will eliminate having to shovel material from the truck. It can also be used to dig curb stops by water department. Whitmer's has one in stock that is orange due to order was cancelled. It was pointed out that orange would show up better in the snow. The cost is \$125,800.00 and is \$9,000.00 cheaper if we purchase the 2023 truck that is in stock. If we wait for the 2024 it will be \$134,800.00. This truck could be purchased with the liquid fuels money we receive.

2. Jeff: Review Special projects for 2024 Budget.

Proposed 2 stormwater projects for MS4:

Hollow Drive triple pipe drainage repair -3 stormwater pipes passing beneath Hollow Drive. Approximately 1/3 of the Boroughs stormwater passes through these pipes to the Little Conestoga Creek. Inspections have shown deterioration of the three 40" corrugated pipes. Excavating the pipes would be time consuming and costly. Staff has investigated less invasive methods to repair pipes (spray-on liner), but the cost was greater than \$380,000.00. Recent PSATS PennDOT symposium revealed another option called SnapTite. The cost opinion received is \$253,716.20. It was pointed out that you can see through this pipe and the condition of the pipe is apparent. Mr. Moseman will look into the life expectancy of the product. Mortar gets sprayed on the liner after the liner is installed, and it becomes structural at that point.

Outfall on Martin Drive – Water from S. Clyde Weaver and the car lot runs into the storm drain on Martin Drive. It is a tremendous amount of water. The outfall area is full of weeds that are hard to maintain, and it has become an eyesore. The road is eroding away from the large amount of water that flows through there. Recently we came in under budget for a project and could have used the funds for a project we had planned for but did not have this one in the works, so it did not happen. Mr. Moseman would like to have ARRO Engineering design a bioswale which will cost approx. \$15,000.00 to provide a shovel ready plan to implement when grant funding is available.

Both of these projects will be submitted along with 2 water projects to Lancaster County for ARPA funding, round 2, submitting this by August 31, 2023. Manager St. Clair said if we do not get the funding, she will put this into the budget over the next couple of years.

3. Interviews for Open Council Seat through December 31, 2023.

Council interviewed the following three (3) candidates that were interested in serving as Councilmembers: Josh Roberts, David Tirado, and William Sharp were each allotted 10 minutes. It was pointed out that all three candidates answered the questions well and gave good ideas.

Debra Miller explained that this came about because Lauren Houck moved, and she had to submit a termination of residency which triggered the board of elections to contact the county party about the opening and the county party searched for a substitute and found that Will Sharp was willing to serve. He has gone through the hoops of bureaucracy to appear on the November Ballot before the deadline of today. She commended Josh Roberts and Bill Tirado for coming forward to serve on the short term. Council then took a vote on paper. Debra Miller announced it will be Will Sharp. After the resolution is passed the next step is for Will Sharp to meet with the mayor 5-10 minutes prior to the next meeting to be sworn in.

4. Review Draft Agreement for Hockey League – Revision No. 2 and other Action List updates

Representatives from the Hockey League were present, and the new draft agreement was reviewed.

The term of the agreement was added in to say automatic renewal.

Added in - they must acquire permits for all necessary work that requires permitting. The work that they are doing now does not require a permit.

Added in - no tents in the confines of the property and no chairs on private property adjacent to the parking area.

Must provide us with contact information in case of emergencies. These have been provided.

Statistics of residents will be provided after signups.

Added procedures for addressing any complaints.

The hockey league provided Manager St. Clair with an action list on August 11.

The league asked for parking spaces to be marked. Manager St. Clair said she does not think the parking spaces should be marked. It will be too hard to police who is parking where.

Code of Ethics has been provided. A clean-up list for after games was also provided.

Signs have been posted saying no alcohol, no drugs, no foul language, and no pucks on rink.

They have provided the fall schedules:

adult league runs August 27- November 12; youth league runs September 9 – October 28

Council thanked the Hockey League for addressing all the concerns in a timely manner.

This will be on the September 5th Council meeting agenda for approval.

5. Punch List for Lemon Street ADA ramps and driveway apron project

The inspection was held last week for work by Affordable paving. Two areas were noted: Lemon St and Lime St newly installed driveway apron ramp up against existing sidewalk was not flush and created a tripping hazard, so this needs replaced to ensure ADA compliance. Lemon St and Tank Rd. has the same situation. Other items were misc. and were mostly a seeding issue. Debra Miller asked if we would put a future project out to bid and they were the lowest bidder would we have to go with them even though we had a bad experience with them. Amy Leonard said the borough's ability to reject a low bid from them in the future is different now because of having had that experience. When you get a low bid from someone you never used before, you take steps to determine whether they are a responsible bidder, such as checking references and looking at projects they have done in other municipalities. Now that we have had experience with the company, we should be allowed to look at our own experience, to determine if they are a responsible bidder or not.

6. Review 6060 Main revised easement agreement

When we first looked at putting the easement in place for this property, we were not talking about selling all three properties and moving the offices. In the past easement it was going to provide for the parking area for borough use and access to borough owned and maintained stormwater facility on this property. It might look like a grassy area but on the subsurface there is a stormwater facility to help manage stormwater in that area. The original easement was going to be that the rear 5700 sq. ft. of the property would have been for borough use. Now that we are going to sell the properties, the parking is not needed, and this home could end up being used by whoever purchases this property as a residential property. The new proposed easement will be 2350 sq. ft. for stormwater access purposes. It just encompasses the stormwater facility and 5 ft around the SW facility plus an access point onto Garden St. Part of the easement area does go into the parking area. This means the borough will still have its stormwater facility and will maintain the subsurface facility. The future owner would just have grass mowing responsibilities. What we don't want is any structure to be put on this area nor can it be driven on. It is ok for kids to play. It was suggested that a delineation fence be put up to mark where the parking stops so that no one will drive on top of the area the storm water facility exists because this could cause damage to it. It was also suggested to mark where the easement is and put up signage that there is an active stormwater facility in the area. They cannot drive on it, put a structure on it and they will be responsible for mowing. They can use the area to play. All of this will be in the new easement agreement. Currently the auctioneer's information does say the stone parking area is available. The conditions of sale are discussed prior to the sale, and it will be recorded and will be public information. The goal is not for the easement to be a secret.

7. Review Minimum Municipal Obligation (MMO) for 2024

There is a minimum 8% obligation. The total projected amount is \$50,167.00.

8. Update on office & review the 2 unforeseen change orders

The total original improvements were \$338,800.00 and since then there were 2 change orders. A couple more changes are anticipated for electrical and wiring. Currently, the 1st change order is for \$2,200.00 and is because the electrical conduit running under the slab was eroded and deteriorated. Five circuits were removed, and five new circuits will be installed overhead. The 2nd change order is for \$3,130.00 for floor drains to be installed in the bathroom because they were not usable. So far, as of July 31st, there is an invoice for \$171,540.64 for design, inspections, renovation design, storage container, dumpster, and renovations to date. They are 3 weeks ahead of schedule which means it would be 1st week in October. Sandra Valdez asked if the unforeseen amounts were budgeted for, Manager St. Clair said the funds are coming from ARPA funds.

9. Update on Emergency Management Coordinator (EMC)

At the last meeting, some questions came up about why she is not attending meetings and where are the reports. Manager St. Clair reached out to the Manager of East Hempfield and explained the concerns and advised her since the beginning of the year, Ms. Garber has only attended one meeting and only two reports have been received. Manager St. Clair received a response back with an apology and it was stated that they will make every effort going forward to make sure Council receives the reports or Ms. Garber will attend the meeting. They said some of the issues were she had medical leave at the beginning of the year and part of it was she forgot to do the reports because she is now the assistant manager of East Hempfield and does not do a report for them, so she is not used to doing a report anymore. Manager St. Clair said it is in the agreement that she is to report to council what she is doing. She did tell Cindy that this will be looked at by Council when doing the 2024 budget. Adam Gochbauer said it might be a good idea to tell Cindy that if this isn't addressed, we might hold up the next quarterly payment.

Manager St. Clair said she is hoping moving forward there is no more issues, and she hopes to see her at the next meeting or receive a report. Randy Rannels said when an event is coming up Diane Garber is supposed to work on emergency planning, and she has been doing this.

10. Review Municibid sale items

The items that will be for sale are: (2) water softeners and the 2015 xmark zero turn mower. We have to advertise 10 days prior to putting these items up for auction. The water softeners were decommissioned because there is no longer a need for them.

11. Review Account Payables 08/24/2023

12. Misc. items from Council

Manager St. Clair

Tractor trailer enforcement on 72 - She pointed out that she was not at the last meeting, but John Schick did reach out to her because it was discussed at that meeting. Manager St. Clair said she did reach out to NLCRPD about this and what they can do is called commercial vehicle checks. Officer Smith said that regional does not have a certified inspection officer, but if they would do a routine traffic stop for a conduct violation, the officer could summon for a certified officer from a neighboring agency to conduct the inspection or NLCRPD could reach out to PA State police and request one of their certified officers do the inspection. She pointed out that one of the challenges for the officers is that there is no place to hide their vehicles while checking for speeding, tailgating, and running lights. They are going to focus on motor carrier enforcement which will include: checking weights, logbooks, and brakes. This will take two guys and overtime. They do have PennDOT funding for this kind of traffic detail, therefore it will not be a cost to the borough. They will be doing a detail on Main St., and they will have two marked units, one unmarked unit and three officers looking for tractor trailer aggressive driving, and Jake breaks. This will be a five hour detail. If they find motor violations, they will get assistance from an outside agency. Manager St. Clair said they are ready to go on this and just need councils' approval. Council agreed to proceed with this.

Safety at the intersection of Ridge and Carpenter – This was also brought up at the last meeting and this was looked into. She reached out to Chief Kilgore and said that if people are legally parked there is nothing they can do, but an engineering study could be done, and they will assist him in the study. She asked council if they would like her to reach out to ARRO about this. Council asked what the cost would be and said maybe John Schick could stop out and give his opinion.

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Borough Office moving – Postcards will be sent out giving the new address and date of move. This will be posted online and e-mailed out. It will also be noted on the water/trash invoices. The office will be closed on October 6 for moving and then re-open on Monday, October 9 at 7:30 a.m. The new mailing address for the borough office will be 6076 Pine Street Suite A.

New phone system – We have had complaints that when people call in they get a busy signal. With the new phone system, callers will not receive a busy signal. Callers will be able to choose an extension if we are on with another caller or go into a queue. The cost to move the phones was \$1,000.00 and to get new phones it will cost \$1,075.00.

Lancaster County Redevelopment Authority – She has had conversations with two different residents that their sidewalks are done and paid for, and they are ineligible to get grant money from Lancaster County because they are already paid for. Manager St. Clair said that this was not the information given when they were at the meeting and this question was asked to them. The MOU was not put into place until July 28th and we were told to have residents submit because it was retroactive. Anyone that is making payments can still apply, but if it has already been paid, it will be ineligible. Now that we do have this MOU in place residents can also look into the other programs including one for home improvements.

Alcohol at the Community Center – Manager St. Clair said Alcohol was found to be left in the refrigerator at the CC after a rental. This is not allowed, and the cleaning lady will be checking the refrigerator for this after each use and take pictures, so we know who the guilty party is going forward.

Softball field shed – this will be replaced with the same size shed.

Debra Miller – Back to School event at Clipper Stadium was a success. There were more than 2,000 children that attended the backpack giveaway. There were 21 children registered from East Petersburg. The Hempfield superintendent attended to get a sense of the large size of the event, and he is hoping the school district will promote this next year.

Adam Gochnauer – Moving forward do we want to allow soliciting permits for those who are not exempt, or should we change this to not allow it or continue with what we are doing? He pointed out that we have received a lot of complaints about this. Randy Rannels said he saw on the community page that someone was soliciting without a permit, and he called the police department to report this. He thinks the only reason this is not being enforced is because when the officers come around they are already gone, and the police can't find them. He would be willing to consider no door to door soliciting in the borough except for religion and politics. John Herr said he would not want to violate the freedom of speech. Amy Leonard said religious, political and some agricultural sale items cannot be eliminated. She will look into this and let them know what is in the statute. Council will take a look at the ordinance and discuss this at an upcoming meeting.

Amy Leonard said she will not be at the September 5th meeting to cover some formalities that need to be taken care of for the 6040/6050/6060 Main Street properties. A resolution will need passed to sell the properties at an auction and we will need to prepare a notice for advertisement. These items will be on the September 5th agenda.

Public Comments Continued:

Samual Maurer V said that some of the contractors (mostly on the south side of the street) did not replace the pavement and now the stones are scattered on the roadways. He said this could be an issue for bicyclists and motorcyclists. He asked if this is something the homeowner still has to do? Mr. Moseman said that is the homeowner's responsibility and at the end of the time allowed, the borough will go out and do a final inspection of the unfinished work that remains. All unfinished work will eventually be put out to bid and the owner will be responsible.

Mr. Maurer asked when someone buys the property who would be responsible for putting in the chain barrier and who would maintain it. He was told the borough would put the chain in and maintain it. If they damage it they could be responsible.

James Swarr said he objects to the paper vote they took after the interviews. He said it should have been done publicly. Amy Leonard, Solicitor said that there will be a vote for the resolution to appoint the new councilmember and it will be done publicly and it will be in line with the ballot. Debra Miller pointed out that interviews do not have to be done. Amy Leonard said that this is correct, and the paper vote they took after interviews is perfectly fine.

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and that person's name will now be put on the resolution for a vote. The resolution will be voted on publicly and the vote must be in line with the ballot vote.

13. Fire Company Financials – for review only

II. ACTION ITEMS:

1. *It was moved and seconded (J. Herr / S. Valdez) to approve Resolution 872, appointing William Sharp to fill the vacancy in the office of Member of Council pursuant to section 901 of the Borough Code, 8 Pa. C.S.A. 901, motion passed with a 3 to 2 vote.*
Amy Leonard asked if they would like to do a roll call vote. Council agreed it was clear enough.
James Swarr said he feels council did not take the best qualified candidate by the interviews.
Debra Miller said that we have someone to fill the seats for 4 months or we go with a candidate that will be on the ballot. Josh Roberts said there are other methods of running for election such as a write-in candidate. Debra Miller said that they could call the Board of Elections if they have questions about the process.
2. *It was moved and seconded (A. Gochnauer / J. Herr) with unanimous approval by the board, to approve the 6060 Main Street Easement Agreement*
3. *It was moved and seconded (A. Gochnauer / R. Rannels) with unanimous approval by the board, to approve the July 28, 2023, Borough Committee meeting minutes.*
4. *It was moved and seconded (S. Valdez / A. Gochnauer) with unanimous approval by the board, to approve Resolution 871, to sell municipal property by internet auction. Items to be sold: (1) 2015 72" Exmark zero turn mower and (2) water softeners*
5. *It was moved and seconded (A. Gochnauer / S. Valdez) with unanimous approval by the board, to approve Resolution 873, Authorizing ARRO Consulting, Inc. to submit the following applications to Lancaster County Government administration offices for the Lancaster County American Rescue Plan Act – 2nd round Community Request, and giving Manger St. Clair authority to execute all documents :*
 - 1) *707 Koser Road spring pump replacement project - \$245,300.00*
 - 2) *City Interconnect pump replacement project - \$ 241,390.00*
 - 3) *Hollow Drive triple barrel stormwater pipe lining project - \$253,716.00*

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

IV. Committee Meeting Adjournment: 8:41 p.m

VI. Executive Session for legal matters: None.

Next Meeting: Tuesday, September 5, 2023, Council Meeting & Thursday, September 28, 2023, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary

MINUTES OF THE COMMITTEE MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	September 28, 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 Randy Rannels William Sharp Sandra Valdez Mayor: Borough Manager: Borough Solicitor:

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

Moment of Silence / Pledge to Flag

Visitors: Anette Rogers, Tammy Moseman, James Swarr, Nate Horning, Ian Meiskey, Samuel Maurer V, Josh Roberts, Cory Lyons, Bob Schwartz, Derech Duffy
James Swarr and Josh Roberts were both recording the meeting.

I. PUBLIC COMMENTS:

1. Tammy Moseman referred to the August meeting when Chief Kottmyer was filling everyone in on the issues at the fire department. She asked if anyone followed up on whoever was using taxpayer money for the attorney that was hired. Manager St. Clair said Chief Kottmyer did call her to give her an update on how the last meeting went, but this did not come up. Manager St. Clair said she told both sides that she is here for anyone if they need help, but she does not want to be pulled into the drama. Tammy Moseman asked if it was investigated by anyone about the taxpayer money being utilized. Randy Rannels said it sounded to him that Chief Kottmyer was going to be talking to the fire department and find out what was going on with the whole situation. Tammy Moseman said she looked and did not see any allocation for an attorney on the reports from 1-22 through 7-23. Adam Gochnauer said they have the fire tax money, and they have a separate fund of their own. In the past they had a situation, and they used their own funds to handle it, so this could be how it was handled in this situation also. Tammy Moseman said since she did not see this on the reports, she is wondering if funds are being allocated properly and being reported where they should be. It was pointed out that Chief Kottmyer mentioned that this was paid for by taxpayer money and if he misspoke then maybe Council could look into this so taxpayers do not assume that this is what happened if in fact it did not. Adam Gochnauer said he agrees that this should be looked into. Manager St. Clair said if council would like her to look into this she has no problem with this.

Tammy Moseman pointed out it was stated at the last meeting that the EMC handed in 3 months of reports that were copy and pasted. She said this is taxpayer money paying for the EMC and asked if we are getting what we are paying for. Manager St. Clair said she did set up a meeting and did meet with the manager of East Hempfield about the report, the copy and paste, and her not being here. She did ask them for a credit, and this was taken to their board and will be talked about at their next meeting. As soon as she hears back from them she will let everyone know. Randy Rannels asked when Diane Garber changed positions to assistant manager at East Hempfield. Manager St. Clair said she was never notified and noticed her title was different in an e-mail. She will now be the assistant manager of East Hempfield and the emergency management coordinator. Randy Rannels said it has been almost a year and we just found out about this change, and this makes him question how up front they are being, and this will affect how much we pay her.

2. Josh Roberts asked how many citations have been given in 2023 for illegal solicitation. Manager St. Clair said Chief Kilgore will be at the meeting on Tuesday and he will have that information. If he cannot be there she can e-mail him to find out.

Josh Roberts asked if the fire company's credit cards draw from taxpayer money, or does it come from their own pot. He voiced concern due to the recent misuse of funds. Adam Gochnauer said this would be a question to ask them when they come to the Tuesday meeting.

3. James Swarr asked if soliciting is going to be eliminated in the borough, so he does not have to call the cops every time, and nothing happens. He said he had a recent incident with a solicitor and with what the solicitor said to him in front of his wife and neighbor, the solicitor is lucky he did not rip his head off. Mr. Swarr said he did not receive a call from the officer until three hours after the incident.

James Swarr said there has been a section of sidewalk missing for several years and it has been 71 days since Collin found out. Manager St. Clair said she will send this to Michale Bingham. Randy Rannels asked who is responsible for fixing the sidewalk. John Schick said it is the homeowner's responsibility. Jeff Moseman said there was a tree removed years ago and it must have affected that one piece of sidewalk and it looks like it was prepared for sidewalk replacement, but it was never done. Amy Leonard said the liability could fall between the borough and the property owner because it falls in the right of way. Ms. Leonard said we are required to give the homeowner a specified amount of time to repair it before the borough can fix it. Ms. Leonard said when the borough becomes aware of an unsafe situation, steps can be taken to protect the public.

Adam Gochnauer asked Amy Leonard if the solicitation ordinance was looked at since it was discussed at the last meeting. Amy Leonard said she will need some kind of consensus on this and for council to take a vote on this for her to be able to look into this further. James Swarr asked council to take action to allow Amy Leonard to look into this. Adam Gochnauer said he feels the ordinance is being beat up and not followed as it should be so he would like to revisit the ordinance to consider no soliciting in the borough. Ms. Leonard said even if you ban some soliciting there are still some others that will be exempt, such as charitable entities, certain farm products, girl scouts/ boy scouts, children soliciting for school fundraising/non-profit. Political and religious will be allowed also. Randy Rannels said he does not think it is a question of what is allowed. The question is do we make all businesses illegal or not? It was pointed out that it will make it easier for everyone including the police, if someone is going around selling something, everyone will know it is an illegal act. John Schick asked if we could take action on this to allow Amy Leonard to prepare an updated ordinance for us. Debra Miller said the solicitation ordinance was updated two years ago and there were a lot of legal fees paid for this. Ms. Miller said she can't see wasting taxpayer's dollars to do another one so soon after. Mr. Gochnauer said that this should not take a ton of time. Ms. Leonard said the solicitation ordinance that we have now includes the permitting process and that is the bulk of it. Will Smith asked the officer what the penalty is for an individual soliciting without a permit. The officer present said the police are allowed to site under the ordinance. The officer said if it is the same guys they would definitely site them. The problem is a lot of these solicitors are not local. They come from out of state in a van and get dropped off, so they can't site them because when they get there the solicitors are gone, and they never see them again.

The officer said if signs are posted at the start/end of the borough and the solicitors see them, it might keep them out. It was asked if the business can be held accountable. Amy Leonard said the ordinance states that the individual must be permitted, and this is because background checks are required. She has seen the same company sending people out without a permit and other municipalities have denied giving permits to them for 6 months. This is where the municipal discretion comes in. Mr. Gochnauer said it takes a lot of time for borough staff and officers to deal with all of this, but if there is an ordinance against soliciting it just makes it easier to follow. It was pointed out that a lot of residents don't know where to find the list of permits. Ms. Leonard said the ordinance requires solicitors have their permits on them at all times. Mr. Roberts said that this forces residents to confront the person soliciting and ask them to show the permit. Tammy Moseman said she has a sign saying, "no solicitation" and someone came into her yard to approach her without an ID. She asked what her rights are. The officer said that person soliciting could be cited for trespassing if you have it posted "no solicitation." The officer said call the police and give the best description she can. If there is a picture of a permit they can go off of that to cite them.

Adam Gochnauer said if there is a no soliciting ordinance in place, then we would not have to worry about any of this. He asked Ms. Lenoard if council can take a vote tonight for this. Ms. Leonard said it is not on the agenda so council would have to take a vote to add it to the agenda. Randy Rannels pointed out that it took three hours for the officer to come, and asked how long it should take. The officer said they typically respond right away but it just

depends what they have going on at the time of the call. It was asked if residents should call 911 for this. The officer said if it is an emergency to call 911, otherwise they can call the non-emergency number 717-664-1180.

It was moved and seconded by (A. Gochnauer / J. Herr) with unanimous approval by the board, to add this item to the agenda.

It was moved and seconded by (A. Gochnauer / R. Rannels) with 6-1 approval by the board, to have Amy Leonard to draft a no solicitation ordinance

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. Conditions of Sale of Real Estate

Amy Leonard prepared one for each property and the conditions are the same for all three. The property will be sold to the highest bidder. There is a reserve, therefore they have the right to reject bids that do not come in at the reserve price. Purchaser has to put 10% down. There is a 60 day period to settle. The purchaser is responsible for all of the costs related to the settlement. The borough pays taxes up to the date of settlement, and the purchaser pays pro-rated amount after that. The borough will advise people what the zoning is for the properties and the fact that the land and structures may be non-conforming. The purchaser will have to sign a basic agreement of sale form when they put down the 10%. Costs related to the sale will be paid by the buyer. Ms. Leonard said there is still time to change this and if there are any questions to contact her about it. Ms. Leonard said there will need to be a quorum on the day of the sale to ensure a decision can be made by Council, if needed. It was pointed out that the reserve price will not be announced.

2. MS4 General NPDES permit – Annual donation to Lancaster County Watershed Alliance

Manager St. Clair said for several years, Jeff Moseman has been attending the monthly meetings with the watershed alliance and they have helped with many events we have had in the borough, and they have been very successful at helping the borough achieve MS4 requirements. At the last meeting it was brought up about participating with funding because they are limited with funds. Mr. Moseman said Manheim Township has made annual donations of \$2,500.00. Mr. Moseman said they did not directly ask him for the borough to make a donation but the conversation at the meeting was they were facing a lot of costs with the insurance being one of the biggest costs. They do not have a means of generating revenue and financially they are becoming limited in what they can do. They helped us with riparian buffer, granting with nitrate plant rain garden, and have helped get us credits for the MS4 pollution reduction plan. They are involved with all the Little Conestoga Watershed projects. This outfit provides a letter of support to help us get grants from other sources. They also do the advertising to help get support from the community. John Herr said he would be in support of giving a contribution. Adam Gochnauer said when he first started on council, they were giving money to any organization that was asking for money. He said before giving any money to anyone, he would want to see their books to know where the money goes. John Schick said they could come out and explain what they are and who they are and what they would use the money for. Jeff Moseman will ask them to put something together and have them bring it to a meeting.

3. PPL: Transmission Line Rebuild

PPL applied for a permit for SW discharge. Project location is in Manheim, Warwick, West Earl, E. Hempfield Twp., and East Petersburg Borough. The project is to rebuild portions of overhead transmission lines. Approximately 13 miles of transmission lines need to be rebuilt. We received a map along with a letter. This information was received as a courtesy notice. We should receive notice prior to the start of this project.

4. Affordable Paving – Application for Payment No. 1

Michael Bingham, Borough Engineer, recommended release of payment in the amount of \$86,697.41 for the project on Lemon St. We are still holding 10% of the payment. Amy Leonard and Michael Bingham did look through the agreement and there was nothing in the agreement that says we can deduct funds. Manager St. Clair said this is mainly because when we brought the issues to their attention, they were corrected. John Schick said he disagrees with giving the amount they are asking because they shut down a lane and did not use traffic control and this is a safety concern. They also worked outside the hours stated in the contract. He thinks they should be able to calculate the cost of traffic control and deduct this amount. It was pointed out that maybe we should look at the contract we use to see if we can make changes. Amy Leonard said she does not write these contracts, EJCDC does, and the contracts do not provide for this. Ms. Leonard said whether you cannot pay them for a job they did, or not consider them a responsible bidder on a future bid, are 2 different things. If they are low bidder on a job in the future it can be rejected due to the basis of the situation we had with them. It was also pointed out that

we used the street sweeper to do the final cleanup of the stone residue in the street. Amy Leonard said in this situation we should have notified them that we were not satisfied with the clean up and ask them to come back and if they say no, we can address it, but this did not happen. There is still a punch list with unfinished work. Tammy Moseman said there is also an area in the alleyway that is unfinished. Jeff Moseman said Affordable Paving and Collin Fox, zoning officer were both made aware of this. Michael Bingham will be contacted to take another look and check on the area in the alleyway before releasing the payment.

It was moved and approved (A. Gochnauer / J. Schick) with unanimous approval by the board, to table the Application for Payment No. 1 to Affordable Paving

5. 2024 Budget Review

Manager St. Clair reviewed the draft 2024 Budget for the remaining accounts.

6. Review Account Payables 09/28/2023

No additions.

7. Misc. Items for Manager and Council

At the last LIMC meeting they found out that Lancaster Township will be joining the UCC Board of Appeals. They did pass the ordinance for this and now the documents will need updated to reflect the addition to the Board of Appeals. The LIMC Chairperson will be going to all the municipalities involved to get a signature from the Council President and the Borough Manager on the updated documents. This will be in October or November.

We received information on the safety issues brought up by James Swarr. Council asked ARRO to get a cost for a speed and site distance study and found out it would be approx. \$2,500.00. Manager St. Clair asked council if they would like to proceed with this. John Herr said he thought we were going to have John Schick look at this. John Schick did look at this spot coming up from Ridge Ave. and he recommended possibly putting in a three-way stop. John Schick said that is a good price and the study will need to be done in order to have an ordinance passed.

The new sign for the office will be ordered. It could not be worked out to put it to the left of the fire dept. sign, so it will be put in the right of way. There will also be a sign at Pine and Broad.

We had a good turn out at the first open house; seven people went through 6040, and four people went through the rental. There will be another open house this weekend.

Debra Miller

HARC reviewed their 2024 budget at the meeting last night.

They will be doing a trunk or treat event on Thursday, October 26 from 6:00 – 8:00 p.m.

Debra Miller said Penn State just released a study that the spotted lanternflies do not pose a threat to our vegetation. It was discussed and decided to keep information the same for now.

John Schick

Asked about reviewing notice for weeds/grass to reduce the amount of time to see actions taken sooner rather than later. Currently it can go 70 days.

John Herr

Asked if bushes that impede sight can be addressed through property maintenance. He was told he can fill out a slip for this and it will be addressed.

He said we have some citizens that show up to meetings that are very vocal about getting rid of solicitation in the borough and asked if all the residents feel the same way they do. Adam Gochnauer said he spoke with a lot of people about this and everyone he talked to said to make it go away. He pointed out that most women he spoke to said if they see them coming they go into the house. Tammy Moseman said she was approached while she was outside. Mr. Herr said he never felt physically threatened by a solicitor, just annoyed by them, but he sees how this can be a problem. The officer said that the officer will respond, but they could be on a call that will take a while and it cannot be assumed that they will respond quickly to a solicitor. Randy Rannels said we will be finding out how many citations were actually issued for this at the next meeting and asked if we could deny a solicitation permit for the companies that have not followed the ordinance. This would be a question for the solicitor.

8. Fire Company Financials – for review only

II. ACTION ITEMS:

September 28, 2023

1. *It was moved and seconded (S. Valdez / J. Herr) with unanimous approval by the board, to approve the August 24, 2023, Borough Committee meeting minutes.*
2. The payment for Affordable Paving was tabled earlier in the meeting because work was not complete. Sandra Valdez pointed out that the work that is not done was on the punch list and was marked as done, but it was not actually done.

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

IV. **Committee Meeting Adjournment:** 8:15 p.m

VI. **Executive Session for personnel matters:** 8:28 – 9:08 p.m.

Next Meeting: Tuesday, October 3, 2023, Council Meeting & Thursday, October 26, 2023, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary

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

DATE AND TIME:	October 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 (Absent) Randy Rannels William Sharp Sandra Valdez Mayor: Borough Manager: Borough Solicitor:
		James Malone Karen St. Clair Amy Leonard

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

Moment of Silence / Pledge to Flag

Visitors: Tammy and Jeff Moseman, Josh Roberts, James Swarr and Anette Rogers

I. PUBLIC COMMENTS:

1. **James Swarr** asked for a follow up on the group home situation. He said last he heard there was a cease and desist and said he knows they have not. Amy Leonard said there have been notices issued from both the zoning and building side and those have been appealed and will now go to the ZHB and UCC Appeals Board for consideration. The borough will continue to use the zoning officer and building code official to support its position in terms of the notices that were issued.

James Swarr said he filed an inquiry of for 1945 State Street regarding the signs for renting storage containers at the front of this property. He asked what is going on with this. Manager St. Clair said she will check on this tomorrow and let him know. Mr. Swarr asked who is the authority to enforce the borough zoning ordinances. Amy Leonard said it is ARRO and whoever their consultants are. Ms. Leonard said ARRO is the zoning officer and the building code official. Mr. Swarr asked how many different people are coming out. Manger St. Clair said there are different people, and it is not always the same. Mr. Swarr asked if the individuals doing the inspections are using marked vehicles. Amy Leonard said if they are on the public street, they do not have to have a marked vehicle, but if they are actually going onto someone's property or interacting with someone, they would have to say who they are. Ms. Leonard said we cannot always say who will be going out because it depends on ARROs staffing and who they send out. Mr. Swarr said he feels personally, with some of the issues he has submitted, Collin has not handled it the way he should have.

2. **Tammy Moseman** asked if anyone discussed issues re: drama and attorney fees with the fire department. Adam Gochnauer said it was not asked formerly by the borough, but he did ask, and he was told by two separate people who do the books, that their money was used and not taxpayer money. She said she knows there has been issues with the books over there in the past, and it is a concern for her. She asked why Chief Kottmyer would say it was taxpayer money used if it wasn't. Adam Gochnauer said John Kottmyer never saw this and was only told about it. He said the financials that they publish do look good and they are audited, and there has been no findings. Josh Roberts said if they are being professionally audited, he is good with that. John Schick said they get the reports every month and if something didn't look right they would see it.

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. **Amy Leonard: Solicitation Ordinance update**
Amy Leonard looked into what can be banned and what can not be banned. Borough code does allow the borough to regulate and require a license/permit. There are certain categories of people for which you can not

require a permit/license fee: farmers selling their own produce, persons selling property if the proceeds are applied to a charitable purpose, manufacturer or producer selling bread/meat/or milk. There are certain categories that are not subject to licensing/permitting: political canvassers, people with a religious organization and some case law says you cannot require a license/permit if someone is passing out fliers/pamphlets. Ms. Leonard said blanket bans on soliciting are going to have a constitutional challenge. Ms. Leonard said she knows there is interest in doing this but her best legal advice is if you outright ban it, you're going to be doing something that is considered going too far, or run afoul of commercial free speech rights, which are protected. Essentially what case law says is that you have the right to regulate it to enforce things like health and safety, such as times of day. Ultimately case law says the borough does not have rights as broad as the property owner. The regulation we currently have requires licensing/permitting through the police, background check, payment of fee. Ms. Leonard says she realizes this does not solve the problem of people approaching homes without permits. There will always be people who don't follow rules and will not get the license. There are also people who get the license and ignore the "no soliciting sign." These are two separate issues. If you go to the extreme of banning soliciting all together, a company can make a legitimate free speech/first amendment issue against you. She said if you ban soliciting you cannot enforce it. Private property owners have broader rights. A private property owner can put up a "no soliciting" or "no trespassing" sign and it is valid. This covers soliciting, political canvassing, and religious proselyting. Property owners have the right to refuse access to your properties. The borough as a government agency does not have the right to say we are going to decide who approaches houses and who cannot. The individual property owner gets to decide this. Ms. Leonard said the way our solicitation ordinance is written and the regulations in the ordinance, are in line with what is constitutional. The problem will continue to be out there regardless of what we do. We know people ignore the signs and some people aren't going to get permits even though they are required to get them. Ms. Leonard said in her legal opinion, the mechanism to control these things is not enacting an ordinance that could land you in some legal trouble. She said her job is to give the best legal advice and to keep us from getting involved in litigation that will be costly. She said some of the companies out there have much deeper pockets than we do and are far more willing to take this to higher public courts. She said she understands that this will not make some of the residents happy and this is not a popular opinion. She said the best option at this point is to provide additional information to residents on the website to let them know they have the right to put up "no soliciting" or "no trespassing" signs and to contact law enforcement if they step foot on your property in violation of these signs because it is enforceable at that point. It can be controlled if residents call the police and law enforcement responds to it. If you are a person who does not want them at your door, put up the sign, and answer the door and tell them to leave your property, or do not answer the door. She said there is not a perfect solution that will make everyone happy. Ms. Leonard said if you outright ban it there could be legal trouble and it cannot be enforced. She also suggested for people who are following the permitting process, when they come to pay the fee we provide them with an informational sheet to let them know that just because you have a permit does not mean you can enter someone's property that has a "no soliciting" or "no trespassing" sign, or if someone tells you to leave then you will have to leave, and if this happens the borough has the right to revoke the license /permit. Ms. Leonard said she thinks that it may not be clear to people soliciting that they cannot enter a property that is posted, and it might help to let them know this. Ms. Leonard said they should have their permit on them and be able to show it if they are asked to. Each person must have a permit even if they are with the same company because the permits are not transferrable.

2. Review 2024 Borough Meeting Dates

Council reviewed the dates. This will be on the next meeting agenda to approve.

3. Review 2024 Banner Suspension Dates

The event dates have not been determined by the events committee yet. This will be on the next meeting agenda.

4. Account Payables 10/26/2023

Reviewed by Council.

5. Review 3Q23 Financials

Manager St. Clair reviewed the 3Q 2023 Financials for Water, General and Trash with councilmembers.

6. Review 2024 Budget

Manager St. Clair reviewed the 2023 proposed budget for all accounts with councilmembers. This will be added to the next agenda for a vote to advertise the proposed budget for 2023.

Sandra Valdez asked now that we were awarded the DCNR grant, what is the process and when do they release the funds? Manager St. Clair said we won't see any of this grant money until we are finished with the project. Jeff Moseman said we will put this out to bid in January to start the project.

John Schick requested the breakdown for ESC duties as assistant manager vs. emergency management coordinator to include percentage of breakdown of daily task hours.

Josh Roberts asked who pays for the EMS services to handle the planning with the events committee? Manager St. Clair said the EMS coordinators involvement with events is for emergency planning, and the borough pays for her.

Mr. Roberts said we already pay the police \$800,000.00 per year, and asked how they got that number and what would we get if we decide to pay the additional \$140,000.00 buy-in amount in the future. Manager St. Clair said it is a one-time buy-in amount and it is based on a percentage of their net assets, and it will give us two seats and two votes. East Petersburg will then be able to vote on budgetary issues and will have a seat at the table on any contract negotiations. Mr. Roberts said he has yet to hear what the benefit is of us having voting rights. He said we are paying almost what we paid to Manheim Township. Adam Gochnauer said Manheim Township was going to raise us to 1.2 million minimum. Mr. Gochnauer said when we become a charter member, we are no longer under contracted services, so our long-term gain will be less increases and one figure was even less than our contracted rate. Mr. Gochnauer said he agrees we do not want to buy in just for votes. Mr. Gochnauer said if more entities join in, it will reduce our cost. If we join in the charter we won't see the big increases like we did with MTPD. Tammy Moseman asked if the borough has signed on yet or not. Adam Gochnauer said they decided to extend the contract for one more year and are planning on joining the charter for 2025. Mayor Malone said during the last 2 years of our contract with MTPD there was constant community rhetoric about the response times which were actually under 4 minutes. He pointed out the experience Mr. Swarr had with the police was personal and people on Facebook do get a perception when they read these things. Mayor Malone said since 2011 he, and residents he has spoken with, has seen both groups out there in the community. He pointed out that we do currently have even better response times with NLCRPD. Adam Gochnauer said dealing with the MTPD police officers was wonderful, but dealing with the administration to get information was not so good. NLCRPD gives us so much information and after complaints were given by a resident, within a month they were out there doing traffic studies. He pointed out that some of the things they are looking at in the future are going to make them even better.

7. Misc. Items for Manager and Council

Received thank you letter from Lancaster County Library for the donation.

Received update on traffic signal on Graystone Road - Construction start date is now October 2024. The project will consist of traffic signal upgrades which is updated controllers, detectors, signal supports and hardware, a 25ft. mast arm with a flashing signal ahead sign to be installed approximately 640 ft. north of the intersection on Main St. Radar detection will be installed in lieu of loop detectors. John Schick said the process for PennDOT takes a lot longer and that is how it keeps getting pushed back.

We will be receiving \$5,086.86 through a trash recycling grant from the state.

Kevin Martin will talk about the updates on the sidewalks on Lemon St.

John Schick pointed out the bid tabs for the signal @ Miller & Enterprise came in a little higher because PennDOT required push buttons be added. Some of the other costs were already taken care of, so the cost will actually end up being less. The amount on the agenda for approval tonight includes all costs.

8. Fire Company Financials – for review only

II. ACTION ITEMS:

- 1. *It was moved and seconded (R. Rannels / S. Valdez) with unanimous approval by the board, to approve the September 2023, Borough Committee meeting minutes.***
- 2. Manager St. Clair explained this update will reflect Lancaster Township joining into the UCC Board of Appeals through the LIMC. This is the only change.**

It was moved and seconded (A. Gochnauer / W. Sharp) with unanimous approval by the board, to approve Updated UCC Board of Appeals Agreement

October 26, 2023

3. *It was moved and seconded (A. Gochnauer / R. Rannels) with unanimous approval by the board, to approve check payable to Kline, Kreider & Good Auctioneers in the amount of \$29,863.66 for 6040/6050/6060 Main Street Auction.*
4. *It was moved and seconded (S. Valdez / A. Gochnauer) with 5-0 approval by the board, to approve awarding the lowest bidder Telco, Inc. for the 72/Miller, and 72/Enterprise Traffic Signal Upgrade Project in the amount of \$144,492.04, pending review of all documents by solicitor and Rettew. John Schick Abstained due to his employment with Rettew.*

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

IV. **Committee Meeting Adjournment:** 7:57 p.m

VI. **Executive Session for legal and personnel matters:** 7:59 p.m. – 8:12 p.m.

Next Meeting: Tuesday, November 7, 2023, Council Meeting & Thursday, January 25, 2024, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary