

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