

MINUTES OF THE COMMITTEE MEETING  
OF THE EAST PETERSBURG BOROUGH COUNCIL

<b>DATE AND TIME:</b>	February 25, 2021	6:00 p.m.
<b>LOCATION:</b>	Community Center	6051 Pine Street
<b>ATTENDANCE:</b>	Council Members:	John Wolf, President Debra Miller, Vice-President Adam Gochnauer, Pro Tem John Herr Lauren Houck Randy Rannels John Schick
	Mayor:	James Malone
	Borough Manager:	Karen St. Clair
	Public Works Foreman:	Jeff Moseman
	Borough Solicitor:	Amy Leonard

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

Visitors: Marianne James, Josh Roberts, James Swarr, Joshua Null, Tammy Moseman, Scott Wiglesworth

**Current & Upcoming Business:**

**1. Resolution to fill Council Vacancies**

Manager St. Clair explained that a special meeting was held to appoint Randy Rannels and John Schick as Council members

*It was moved and seconded (A. Gochnauer / D. Miller) with unanimous Approval by the Board, to Approve Resolution 805, Appointing John Schick, and Herman (Randy) Rannels to fill the vacancies of the Office of Member of Council until January 3, 2022*

Manager St. Clair along with the other Councilmembers welcomed Randy Rannels and John Schick to Council.

**2. W. Scott Wiglesworth; HAFSC 2020 Chairman/East Hempfield Township Supervisor– update on CFO**

Manager St. Clair introduced Mr. Wiglesworth and thanked him for coming to the meeting. Manager St. Clair said John Wolf and Tammy Moseman are both on the HAFSC and attend the meetings and then report back to Council. Council had some questions lately and Mr. Wiglesworth has been asked to come and help answer these questions.

Mr. Wiglesworth said in early November they went through the interview process and 4 candidates met the criteria to be interviewed for position of CFO; 2 withdrew. The expert panel comprised of career fire officials had a preferred candidate recommended by all three on the expert panel as well as the vast majority of those who had tuned in from the commission. Due to a post on social media that identified the candidate and his employer finding out, the candidate had great concern about applying for the position, so he withdrew his candidacy. Staff had decided the remaining candidate was not a good fit, so the process ended.

Before Christmas, contact was made again with the preferred candidate about interest in the position and a zoom call was held with representatives from East Hempfield, East Petersburg and East Hempfield Township staff, and a decision was made to pursue this candidate. After the new year it was found out he was interested in accepting the position under the condition that it would not be leaked publicly until he had the opportunity to tell his employer. Mr. Wiglesworth was on vacation (out of the country) for 10 days and when he came back there was a lot of questions. Mr. Wiglesworth then met with each of the fire departments individually. He believes that the right decision was made, and he believes that if the process played out how it should have, it would have been exactly where it is today.

Councilmember Herr asked if staff reached out to the applicant or if the applicant reached out to Cindy. Mr. Wiglesworth said he did not know.

Councilmember Houck asked what will happen next. Mr. Wiglesworth said he will begin March 1<sup>st</sup> and there will be a 6-month probationary period. He has met with the fire departments and will meet with the board at the meeting next month and he will be introduced at the Borough as well. Mr. Wiglesworth believes he has the ability to unite the 3 fire departments. Councilmember Houck asked if there will be non-disclosures in the future. Mr. Wiglesworth feels the interview process got away from them, and this process will be changed moving forward. Mr. Wiglesworth said that the leak was found out to be unintentional. Councilmember Houck asked if the meetings will resume and said she felt that there was a gap in receiving information. Mr. Wiglesworth will be teaming up with Diane and submitting monthly reports.

Councilmember Gochnauer asked when John was offered the position, and who was involved, including those he referred to as staff? Mr. Wiglesworth said the date was approximately the first week of January. Cindy, Diane, and Karen are who he refers to as staff for the fire commission. Mr. Wiglesworth was not sure who reached out to John about the position. Councilmember Gochnauer said that Manager St. Clair did not know about this and she did not talk to John, so the decision was made by Cindy, Diane, and the Human Resource person. Mr.

Wiglesworth was not sure how, but Cindy and Diane found out that the candidate might still have interest in the position. Mr. Wiglesworth said that the zoom meeting was held with the representatives of the Borough to determine if this candidate should be pursued. Mr. Wolf said elected officials and staff were part of that phone call. Councilmember Gochnauer said that the contract states that the Board of Directors makes the decision of the hiring of the candidate and the Board of Directors were not all involved in this, only a select few.

Councilmember Gochnauer asked who made the final decision. Mr. Wiglesworth said he is the one who would make the final decision. Councilmember Gochnauer asked if there was a reason that there was not a meeting with the commission prior to the hiring, and he added some of them did not find out about this until just this week. Mr. Wiglesworth said he offered to meet with each member and each fire company the last week in January.

Councilmember Gochnauer said that this was after the hire. Councilmember Gochnauer said that Cindy sent out an e-mail on the 11<sup>th</sup> that said an offer was already made to someone and there was a hire, and then on the 14<sup>th</sup> she sent another e-mail that said they are taking a step back and slowing the hiring process and there was nothing more to report. Councilmember Gochnauer said he feels Cindy is going out on her own because she is saying two different things. Mr. Wiglesworth said that is not the case. Mr. Wiglesworth said that there were errors made and it was not the ideal process and said he will put the failure on himself partly because the employee requested confidentiality. He said there was no attempt to deceive anybody. In hindsight he would liked to have had an e-mail sent out with more information. Councilmember Gochnauer showed Mr. Wiglesworth the e-mail Cindy sent out on the 14<sup>th</sup> and it does not say anything about a hire being made. It actually says the hiring process was being slowed down, when in fact there was already a hire made. Mr. Wiglesworth said the nothing to report to the commission was just worded poorly because there was nothing to report to the commission until he made his communication with his employer. Councilmember Gochnauer said his issue isn't with the person because he feels it was an excellent choice. He feels that East Petersburg will be treated like they are not a reputable place and be overlooked. Councilmember Gochnauer feels the contract which was signed was breached because the committee itself didn't hire someone. This decision was made by one or two people and the committee and the board was not informed until a few nights ago at the non-public meeting. Councilmember Gochnauer said that there was a salary package and benefit package that nobody knew about, and e-mails that said nothing was happening. Councilmember Gochnauer said he feels the manager should be censured. Mr. Wiglesworth said they were acting on the will of everyone and there should be some grace given because of the situation and he does not feel this is all necessary. Councilmember Gochnauer said his issue is moving forward and the skepticism about what township will do. This is the first decision being made in this contract and it did not include everyone and follow the contract and East Petersburg did not know this person was hired.

Councilmember Gochnauer said that moving forward, John Wolf and Tammy Moseman who are both board members need to receive all the information that the others are receiving, with no private meetings and no special meetings. Mr. Wolf and Ms. Moseman, along with Council, must be involved in all the decisions, unlike what has happened with this situation. Councilmember Gochnauer would also like Cindy to be more careful with her wording and things need to get a little tighter over there. Mr. Wiglesworth agreed this needs to happen and it is a fair criticism. Mr. Wiglesworth said that they were just making sure that they could get the guy that everyone wanted, and this was the best way to do it under the circumstances and this would have never happened if it were any other way. Councilmember Gochnauer said he feels there was deception on the part of someone in East Hempfield's organization and said that he would like to make sure that this does not happen again, and the communication needs to be clearer. Mr. Wiglesworth said this is fair criticism and there are things they could have done differently, and he feels they did set themselves up for failure with the hiring process this time and he did leave Cindy, Karen and Diane holding the bag, and he said it was his fault. Councilmember Gochnauer said he did appreciate Mr. Wiglesworth's answers and his honesty.

Councilmember Schick asked if this could be challenged because there was a breach of agreement.

Councilmember Gochnauer said that even though he does not like what happened, the fire department feels this agreement will have benefits if it is done right, and Council is really just the watch dogs since we are investing Borough money into this. Ms. Moseman said that she was not involved with any of the decision making or

meetings about this, and she stated she declined to meet for a private meeting in late January, because she felt it was not appropriate to have a private meeting with him and Councilmember Wolf about things that pertained to the whole commission. Ms. Moseman said she is concerned if there is another leak on social media pertaining to any big decisions will the board members be left out again. Councilmember Wolf said that decisions will need to be made as a whole in the future. Ms. Moseman said she feels the best person was hired but has issues with how it occurred. She is concerned that when another big decision must be made, the other board members will not be informed and the information will not be able to be shared with EP Councilmembers, and they will all be left out again. Councilmember Wolf suggested Ms. Moseman discuss this concern at the HAFSC meeting. Mr. Wigglesworth said he feels this is an isolated incident and will not happen again. Councilmember Gochnauer said Mr. Wigglesworth has made the trip here and answered everyone's questions and now we just have to trust that this will be learned from. Councilmember Wolf said he feels now is the time to be looking forward and not look behind us, and to focus on the positives and the golden opportunity this commission has to develop a plan and set a standard for others to follow. Councilmember Wolf said he recently met the new hire, and he feels that he is the right individual to fill the position and this person is all about what he can do for the fire companies and how he can help them work mutually together and improve what they are doing. Ms. Moseman asked if the new hire knew about the breach of information posted, Mr. Wigglesworth said that the applicant was the one who brought it to Cindy's attention. Ms. Moseman asked if he lost his job because of this breach. Mr. Wigglesworth said no. Ms. Moseman said she feels that he is a great fit. Councilmember Houck said it is unfortunate that he is starting this way and feels there is a lack of documentation and there should have been at least an e-mail. Ms. Houck said she did not realize this hire was going to be an employee of East Hempfield. Mr. Wigglesworth said at some point there could be an employee of the commission, but we are not there yet. Mr. Wigglesworth said that John Wolf will be the chairman of the board this year. Mayor Malone asked if there could be a challenge of the contract. Mr. Wigglesworth said that the contract is between the Borough and East Hempfield so the challenge would have to come from the Borough. Mayor Malone said over the last two years, other municipalities have had third party challenges made to processes that have had put into place, that did not follow contractual guidelines. Councilmember Gochnauer said that he does not want to challenge the contract, and everyone is happy now and this is the right pick, and this should be a learning experience moving forward.

### 3. Michael Bingham: BCO and Property Maintenance Fees

Mr. Bingham said there are fees that need added to the fee sheet for building permits because they are not currently there. He would like to add a re-inspection fee in the case that someone would call for an inspection before it is ready. When this happens, they would then be charged a fee for an additional inspection. He suggested having the BCO do inspections on only two designated days per week to minimize the fees that the borough pays. In the case someone needs an inspection on an additional day, he is recommending they be charged an additional fee. Council said that they would recommend putting the inspection days for BCO on the permit and that there will be an additional fee for other days. The BCO is closer to the borough on Monday's and Wednesday's so Mr. Bingham is recommending they be the regular days he will inspect.

Council asked when TOA will begin building in the Borough. Mr. Bingham said that they are currently in phase 2 and they will not begin building homes in the borough until phase 3.

Mr. Bingham suggested adding a fee in the fee sheet for property maintenance also. Previously the borough was charged 75.00 per inspection and for each letter. ARRO is currently doing a drive through weekly and is keeping track of violations and re-checking after a week instead of sending letters out right away. This allows the resident time to take care of the issue. The bill that the borough receives will reflect the entire amount of time spent in the borough and can then be divided among the properties that had violations and were sent letters. The cost will vary depending on the amount of violations found. If it is determined that the cost gets passed on to the resident for a violation, there will need to be a determined fee per violation, therefore a set fee will be needed. Ms. Leonard pointed out that residents with property violations will only be billed if the violation is not corrected within the time frame of the N.O.V. issued, or if they are a repeater.

Mr. Bingham recommended the following fees to be added to the fee sheet:

#### Building permit fees:

- 1.5% of total value of construction
  - Residential – Minimum fee \$150.00
  - Commercial -Minimum fee \$200.00
- Re-inspection due to failed inspection – \$100.00
- Inspection outside of regular inspection days/hours \$125.00
- Change of use – \$250.00

#### Property Maintenance fees:

- Initial violation (includes initial inspection, soft letter, and one follow up inspection): \$100
- Failed follow up inspection (each): \$75

This will be put on the agenda for the next Council meeting.

4. **January 2021 Committee Meeting Minutes**

Councilmember Gochnauer said he would like the minutes to reflect that the street sweeper rates will be changed in 2022.

*It was moved and seconded (A. Gochnauer / D. Miller) with unanimous Approval by the Board, to Approve the minutes of the January 28, 2021 committee meeting*

5. **Payables**

Manager St. Clair pointed out there was one addition to the regular bills paid to Concentra for a new hire physical.

6. **Mayor Malone: Act 106 PDD (Personal Delivery Device)**

Mayor Malone said that the state legislature passed a law that went into effect allowing PDD's on the roads. The municipalities have an option to set up an ordinance on how to set up the process and regulate these devices. There is a 30-day window for this to be done. He shared information with Council on this for them to review. A PDD is a ground-based delivery device that is manufactured for transporting. His concern is on how it is written and the right of way and that the PDD will end up on the roads because there are not a lot of shoulders, sidewalks, or berms in the area.

Ms. Leonard said that this went into effect January 31<sup>st</sup> and she feels that the state organizations will be putting out a model ordinance and she is keeping watch for this. She explained that there is a limited amount of regulation on this where the roadways are 25 miles or less. It can be regulated on roadways that have speed limits between 25 mph and 35 mph, but they still would have the same rights as pedestrians essentially. The authorized entity is a person or an educational institute holding a PDD authorization, which is an authorization issued by PennDOT permitting the operation of a personal delivery device. She explained that you can not blanket prohibit, it would be addressed through consultation. Ms. Leonard also said there is a clear section on local regulations that says you may prohibit it on any roadway, or any berm or shoulder of a roadway, or pedestrian area under the jurisdiction of a municipality where the municipality after consultation with the authorized entity determines that the operation of the PDD constitutes a hazard. The authorized entity would be required to come to the municipality to inform them they intend to use a PDD in the area and this would be the time to discuss where they can be safely used. Ms. Leonard said this will begin in larger areas first, so we have some time to figure this out and see how this will progress in different areas.

7. **HAFSC**

No public meetings and no updates at this time.

8. **LIMC update**

Manager St. Clair said she reached out to other municipalities. Most of them said the same thing and one of the biggest comments was that when you have contract negotiations you get a break on the legal fees. The biggest one right now that is going around is the comcast agreement. They have shared costs for stormwater projects and some other projects and have combined purchases which has saved costs for road improvements, road materials, building fuel, signs and there is talk about the county having a health department. It is much broader than the COG. Manager St. Clair said that she feels that it can be beneficial and there is a lot of information available that she cannot get through just e-mailing other managers. Recently they had speakers on the task force and cares act and the amount of information they are receiving is much more than she can get through COG. She would like to explore this for at least a year to see where it goes. The cost is 500.00 per year, per municipality, and this is a huge decrease from the recent fees of 1,500.00 – 2,000.00. Council was in support of joining to gain information for a year, but would like to know more about what they are purchasing together and how the members are currently saving costs to justify the fees. LIMC currently offers combined purchasing of heating fuel and Manager St. Clair will find out more about this.

9. **Fire Company Financial**

Submitted to Council. Questions can be directed to Don Schoenberger at the Council meeting.

## 10. Misc.

Manager St. Clair: Announced that there is an open seat on the planning commission to fill William Pfautz spot. The term will expire January 2024.

There is an opening on HAFSC for an alternate board member to John Wolf. Councilmember Wolf said he would like to nominate Randy Rannels for this position. He spoke with Randy about this, and he is interested. Manager St. Clair said this can be put on the agenda for the March Council meeting.

Manager St. Clair said that she loves working for the Borough and she makes herself available to everyone 24/7 and by all means she would like to be contacted for any emergency, at any time day or night, but if it is not an emergency, to please let it wait. She said if she is putting her attention on something that is not important and she is not focusing on what is important at the time, and something happens that is very important that needs her full attention, she is afraid she would not be fully focused on the emergency and might miss something and that would fall on her shoulders and she would have to answer to the residents and council members. Council agreed that if it is not an emergency, then it can wait. Council agreed Manager St. Clair is a great asset and they do not want to burn her out.

John Schick: Mr. Schick said part of the signal project will include a new signal light to be hung on a black painted pedestal pole at the corner near 1987 State Street rather than the utility pole that it currently hangs on. Two of the three easement agreements have been returned and they are hoping to receive the third easement agreement soon from Gargano's, so that they can put the traffic signal light project out to bid by March 8<sup>th</sup>. The pole orders are already 2-3 months out and he would like to get the process moving because it is going to take time. Mr. Schick also said it is considered a safety issue for the borough and they would like to start the project sooner rather than later. Mr. Schick said that it was approved to advertise for bids at the last meeting. The last one is currently having their attorney review the easement agreement. Ms. Leonard said that she is assuming there is concern and that is why the third agreement has not been signed, but she has not been contacted by anyone about this. Manager St. Clair said that she does not foresee any issues there and that Mr. Gargano asked for a week or two to have his attorney review the agreement.

Mr. Schick has information on funding that could be used for the signal light on Graystone Road. He will forward this to Manager St. Clair.

John Herr: Application for the grant for the Meadows is open until April 1<sup>st</sup>. Robin Hemperly is putting a packet together and this will be submitted.

Debra Miller: HARC received a recovery grant to update the facilities with new equipment and physical upgrades to building. Pool fees for 2021 will be increasing 10.00. Information for Summer Day Camp and Summer Playground Registration will be posted on the website. Handouts were shared with councilmembers for the "Everyone Belongs" financial assistance program.

Adam Gochnauer: Thanked Council members for their patience while things were being looked at with the hiring of the Chief Fire Official. He also thanked Ms. Moseman for her hard work on the HAFSC Board. He asked Council to continue to work with everyone, but to remember to keep their eyes wide open. Ms. Moseman said that it was very difficult for her knowing that Council did not get all the information ahead of time. She said she will continue to stick by the fire department and allow them give guidance on what they want and need, and along with the others representing the Borough on the HAFSC Board, they will ensure these things are provided.

Lauren Houck: Still hoping things improve with the communication with HAFSC Board but hearing him say they got dealt a bad hand wasn't comforting. She is concerned if a situation arises, the Borough could get left out of things again.

Mayor Malone: New Behavior Change Programs and grants were one of the topics at the PA State Mayor's Assoc. Mtg. After the traffic study is done on Lemon Street, he will get more information about the programs and grants if it is found to be needed.

Mr. Moseman: Thanked staff for the great job they did with snow removal this year.

**Public Comments:** None

**Regular Committee meeting Adjournment:** 8:11 p.m.

**Next Meeting:** Tuesday, March 2, 2021 Council Meeting

Respectfully Submitted,  
Kim Strayer, Recording Secretary