

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:	James Malone
	Borough Manager:	Karen St. Clair
	Supervisor:	Jeff Moseman

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. Manger St. Clair said after we receive the letter of resignation, it must be put on the agenda to accept,

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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