

July 28, 2022

MINUTES OF THE COMMITTEE MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	July 28, 2022	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: Jeff Moseman Borough Solicitor: Amy Leonard

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

Moment of Silence / Pledge to Flag

Visitors: Josh Roberts, James Swarr, Tammy Moseman, Anette Rogers, Traci Natale, Keith Rollman, Pat Sherrard, Kim Mause, Jill Snyder, Erin Matthews, Don Schoenberger, Samuel Maurer, Eric Mause, Kenneth Ellmaker
Josh Roberts and James Swarr were recording the meeting.

I. PUBLIC COMMENTS:

1. Pat Sherrard said there was grass torn up at her property on Lemon St. during the water line replacement and asked when the contractors will be coming to repair this. Jeff Moseman said this will happen next Tuesday and signs will be posted for no parking during this time.
2. Annette Rogers said her curbing has markings and asked if that is the only area that needs replaced? She also asked if replacing the curbing will increase the value of her property and raise her taxes? She was told the county is the one who does reassessments.
3. A resident asked what the reveal/height requirement will be. Mr. Schick said that they are sticking with the current existing reveal/height for curbing. Mr. Schick explained that there is not a stormwater issue, so the existing height will be ok. The resident said the property at State and Main has sidewalk/curbing that is in bad shape. Mr. Schick explained that is not within the scope of this project.
4. Tammy Moseman has a small spot where sidewalk is missing and asked if they can repair it themselves. Mr. Schick said he will come out and take a look at this.
5. Kim Mause asked if the part of the curbing that the borough is responsible for is marked. Mr. Schick said yes. He said for purposes of estimating to estimate 5 feet back from the alleyway.
6. A resident asked if they should still get quotes. Mr. Schick said the residents might get better prices, so it would be a good idea and it will give you an idea of what the cost will be. Mr. Schick pointed out that they should show the spec that they will receive from the borough to the contractor to be sure the work is getting done properly.

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. John Schick: Lemon Street Sidewalk / Curbing Update

John Schick said that Michael Bingham, Kevin Martin, and himself went out to re-evaluate the sidewalks and curbing on Lemon Street. They put pink dots where the replacement is needed. He said that 80-90% of the curb is still good out there, but the driveways are not good because the slopes coming into the driveways don't meet the 8% max slope grade. The majority of the aprons are depressed, and water sits there. Although some areas of Lemon St. curbing are great, a lot of the sidewalk has sunk. Mr. Schick explained that the federal ADA requirement is a maximum 1/4-inch difference between the walk and the curb, or the piece of sidewalk is considered a trip hazard. He said they tried to minimize the amount of sidewalk that needs replaced. If sidewalk looked rough but the grade was fine, they did not mark it. They based it on structure and not aesthetics. Mr. Schick pointed out that it is cheaper to replace sidewalk than curbing. The church was in better shape and looked as though they had their sidewalks replaced at some point in time. The police offered to fly their drone to get us a base map and we hope to see the dots on this, so we can create a drawing. We will put together a quantity of square yards of sidewalk, lineal footing of curb, driveway aprons and then put this into a bid package and put it out to bid. We will then receive prices for the whole project which will include prevailing wages which is 15-20% higher, but because of quantity you might get a better deal. The residents will all have to go along with this to get the price from the bid because the price will be for the whole project. Mr. Schick said foaming is an option as a solution for residents to individually consider when repairing the sidewalks, but the borough will not be adding this option to their bid package. Mr. Schick said the state makes the requirements and we need to comply to avoid any lawsuits. He pointed out that this is a real issue for people in a wheelchair. The ramps at the intersections and public alleyways will be done by the borough. Mr. Schick said some of the property's previously had a driveway but have turned it into sidewalk and it will need to be determined if they want to keep it this way. Manager St. Clair said that Chief Steffen is ready to schedule the drone asap.

Mr. Schick said he will make himself available to meet with any of the residents on Lemon Street to answer any questions. Ms. Moseman said according to the availability shared by residents on the e-mail group it will work best for him to come out on a Monday or Wednesday and there are approximately 20 residents that would like to meet with him on each of these nights. Mr. Schick explained that when residents are ready to have the work done, they will need to contact the borough office, but there will be no permit fee charged and the borough engineer will be out to inspect 24 hours prior to pouring the concrete. Mr. Bingham will be inspecting to make sure there is the right amount of stone, thickness, and wire mesh and to be sure the contractor is doing the work properly. Mr. Schick said we are most likely looking at August of 2024 for sidewalks, so the road can be repaved October 2024, before the end of the season.

2. Review Borough's current Sidewalk Ordinance, does it require an amendment or just clarification?

Amy Leonard explained that the existing ordinance is from 1958 and it was then amended in 1989. She compared these ordinances with the borough code and found there has not been many changes in regard to setting regulations for construction of curbing and sidewalk. She said what was missing was a general statement of authority and what borough council is permitted to do, and what streets require sidewalks and curbing. She suggested adding a general statement as it appears in the borough code as it relates to the boroughs authority to require these things. The notice timeframe is 30 days, and this will remain the same. Ms. Leonard said that the borough ordinance states if you do repairs or installation, it should be done in a way that the work should last 10 years, therefore the boroughs position would be if sidewalks were installed to meet this provision, they would be ok for 10 years. It was pointed out that it refers to the borough manager/secretary and they are synonymous, so designee will be added to the wording, along with making it gender neutral. The next action would be to advertise the ordinance amendment. Council agreed to move forward with this.

3. Adam Gochnauer / Agreements

Mr. Gochnauer said that there are 2 agreements being released for council and the public tonight. He said these agreements took longer than he hoped, and they were not legally able to discuss them. He said that at the end of this year the agreement between East Petersburg Borough and HAFSC will end unless the borough renews. He has been trying to get government out of what belongs to the firefighters. He feels the concept for the commission was right and the borough had to step in to help set this up, so they did, but now its time to hand it over to the professionals. He thanked Randy Rannels and Tammy Moseman and said they did a great job, and he felt bad when they said they felt as though they were not making a difference. Mr. Gochnauer explained that a few months ago the fire department said they would like to take over the responsibilities of the commission. The fire company appreciated what the resident at large and the borough councilmember were doing, but said they would like to negotiate their own deals for equipment, apparatus, etc. Mr. Gochnauer thanked Kris McCauley and Tom Enlow for the countless hours spent with Amy Leonard, Manager St. Clair, and himself to work on this

agreement for many months. He thanked Amy Leonard and Manager St. Clair for their hard work on this also. He explained that a lot of the firemen have fought for this deal, and they support it. Mr. Gochnauer said the agreement between East Petersburg Fire Dept. and the Borough basically says that we are turning the fire services commission over to the Fire Department exclusively, and the borough is backing out and they will be taking over full responsibility of the commission. This will give the fire dept. great negotiating power for the new equipment replacement and allow them to negotiate a deal they think is best for them and it will be more direct. They will be representing the best interest of the borough. Ms. Moseman and Mr. Rannels will no longer have the stress of feeling that they are not making a difference and will no longer be required to attend the meetings. The fire department will appoint people in their best interest, and they are excited to get this going. The fire co. has agreed to everything and has given their power to the executive board to go along with this. This will officially be voted on at the next council meeting.

Adam Gochnauer said that 20-25 years ago when the fire department built their new building they came to council and said they wanted to join with council and build a municipal center, but at that time council wanted nothing to do with it. Mr. Gochnauer said during their talks he wanted to revisit this, and they came up with an agreement that ties in with the fire service agreement and the borough will move their operations into the fire company space. There is select space we have mapped out with the fire company of rooms they are not using, or will transition, and the borough employees will move into this space. It will accommodate ADA and be on one floor and there is parking; all things we do not have now. The space will be shared with the FD. The police will have an office to use if they stop in also. The agreements are set to open up January 1st. There are renovations and securities that will be needed before this move takes place. There are some ideas about the existing office buildings and properties, but we are not ready to work on this yet. Tammy Moseman asked if the overage that EP paid is going to be given back. Manager St. Clair said that they do not go by the budgeted amount, they go by the actual, and she has tried since November to get this back and will continue if that is what Council wants to do. Mr. Gochnauer said as much as he wants to get this back he feels if we can't get it back easily and attorneys get involved, it could start the fire department off on bad terms when they take this over. The agreement is for 5 years and there is a renewal. The borough will pay no more than 1.00 per year to lease the fire department office space. There will be a building maintenance fee paid to the fire department and the borough will help pay for improvements to the building.

Tammy Moseman asked who will pay the wages for Chief Kottmeyer and Diane Garber. Mr. Gochnauer explained that Diane Garber is separate from HAFSC, and Kottmeyer will be the fire departments responsibility. We are allocating funds to the fire department with their monthly check, and they will be responsible for John Kottmyer.

James Swarr asked if Hempfield Board will be part of the fire commission. Mr. Gochnauer said yes, and he struggled with this, but the fire department really wants to make the deals for themselves and feel they can do a good job.

Josh Roberts asked how this impacts the millage rate. Mr. Gochnauer said we don't need to increase anything, and the funds are there already, they will just be allocated differently. It will be up to the fire department to make their own decisions on program costs. Mr. Roberts asked how he will get the information about the HAFSC. Mr. Gochnauer said that the new commission will most likely put together a new agreement and it won't be us doing it. Mr. Gochnauer said the relationship between the fire department and the borough is very strong and we have agreements to continue this. President Miller thanked Adam Gochnauer and Manager St. Clair for all of their hard work on this.

4. Review Draft Public Comment policy

An agreement was not found so Amy Leonard put a policy together. Ms. Leonard explained that part of this policy states that the borough follows the sunshine laws and some very general policies. There is a comment section that allows for allocated times if needed, and limits repeat of comments and suggests if there is a large group speaking on the same topic, that a spokesperson be designated to speak for the group. The president can call for order if the meeting becomes argumentative or there is significant disruption, and it is very rarely used but if a person essentially prevents business moving forward, that person could be removed. Comment period is discretionary and can be determined or defer the comments to a special meeting to allow for business to proceed. Lauren Houck said we have had special meetings in the past when we knew there was going to be a large turn out and other municipalities have done this also. We do not currently have a policy written for this and it is good to have a format to follow that is standard to the other municipalities.

Adam Gochnauer asked Amy Leonard, if we did not put this formal policy in place would the council president have the ability to do any of this now? Ms. Leonard said a council president is not limited without this, but this will formalize what discretion the council president has and what general actions can be taken. Legally the borough is required to follow the sunshine act, but it is common for municipalities to have policies to defer to when there are large scale issues that create large groups of people that want to talk on the same subject, or when things get

heated. It will give guidance on discretion to the borough president. Mr. Gochnauer asked about the part that says confirm they are a resident or taxpayer. Ms. Leonard said it doesn't say that you can restrict them, it just says that you can ask them if they are a resident or taxpayer. Ms. Leonard said you cannot stop someone from making a comment and that is not the intent of this she put this together to give some general guidelines and it does not give restrictions on time a person can speak, nor does it say you cannot make a comment if you live outside of the borough. Mr. Schick said they have always let anyone who wanted to make a comment do so, regardless of if they are a resident or not and that he would not want to change that. President Miller said that when they looked at the policies other municipalities have in place, they found that many have time limits of 3-5 minutes, and we have no intention of doing that, but it is recommended by the PA State Boroughs Association that we have a policy in place to maintain decorum and to keep the business meeting moving. Sandra Valdez said if it is just to fall back on, she is ok with that. Randy Rannels said he is in favor of the written policy, and he likes that there is no limit set in stone. John Herr said a lot of residents have asked for our policies to be put online and thinks the policy will help and he likes that it does not limit people's comments. Lauren Houck said it is a public meeting procedure and there are 5 items it covers, and public comments is only 1 of the 5 items, so it is not solely about how the meeting should proceed and as Ms. Leonard said the drafted policy can be changed if needed. Amy Leonard explained that this policy would show that you all agree on the discretionary items, but it covers a lot of the sunshine act laws and gives guidelines to follow. Mr. Gochnauer pointed out that this policy does not change or add to how the meetings are run, so he doesn't think it is necessary. He said he feels this policy could be used in the wrong way. Lauren Houck said she sees it as informative and kind of like following a manual and it covers what we need to do under the sunshine law and pointed out there is currently nothing in writing for meeting procedures. Tammy Moseman voiced concern for this policy and said she feels this is in retaliation for residents wanting to speak up at a recent meeting regarding the sidewalks and it was said that it should be limited to three minutes. Mr. Schick pointed out that the drafted policy does not set a time limit and he is happy about that but does not think the drafted policy would add to anything and feels it is the citizens rights to speak out and thinks they should allow everyone to do what they want, and they already follow most of this. James Swarr said that Deb Miller was recorded saying that there would be a 3-minute time limit for comments after the outburst of residents regarding sidewalks on Lemon Street. President Miller asked how he got this recording because this was talked about during a recess of the meeting. Josh Roberts said it was a public building, so when he went outside, he left the recorder on in the building during the recess. Josh Roberts said he feels this is a power move and a retaliation move because the sidewalk meeting got out of hand. This was tabled.

5. Discuss "food truck vendors" for Borough events

Erin Matthews with Events Committee said that their vendors are required to sign a contract to be at their events and they do pay to be there. At the 4th of July event there was a Mr. Softy ice cream truck parked on the street and he did not have a contract with the events committee to be there. He did have an operation permit, but it was expired. They explained to him that all the vendors had a signed contract to be there, and he was very rude and did not leave. Ms. Matthews asked if there is an ordinance for this. Manager St. Clair said she did look this up and there is nothing on the books for this and council would have to decide if they would like to establish regulations for this. Amy Leonard said right now we cannot regulate food trucks in any way because there is not an ordinance. It was asked if parking could be blocked off at the park to eliminate food trucks parking close to events on the street. Randy Rannels said under the emergency management plan, cars should be parked along the street bordering the park as a level of security. Mr. Rannels said this has not happened before and this man was approached respectfully, but he was rude about it. Amy Leonard said that this does not fall under transient retail business and the solicitation ordinance is not set up for food trucks, so if council wants to regulate them, they will need to do a separate ordinance for this. It was discussed that signs could be hung in this area for reserved parking, and it will be up to the events committee to decide who parks there. It was also discussed that an announcement can be made to people attending the event to let them know to support the vendors participating with the event. A list of participating vendors could be hung as well.

6. Review Account Payables 07/28/2022

Reviewed by Council. There were no additions to the regular bills.

7. Manager St. Clair: Review 2Q22 financials

General revenue:

Above budget

Total revenue 1.9 million

Cash balance as of June 30th 2,174,420.00

General expenses:

Under budget at 52%

Total expenses as of June 30th was 1.2 million

Net income 688,000.00
 Water Operating fund revenue:
 At 60% of revenue
 Total received as of June 30th 517,000.00
 Cash balance as of June 30th 743,000.00
 Water Operating expenses:
 Under budget at 31%
 Total expenses as of June 30th 276,000.00
 Net income 241,000.00
 Trash fund revenue:
 At 49%
 Trash cash balance as of June 30th 146,000.00
 Overall expenses at 50%
 Expenses 232,000.00
 Net income of 9,600.00
 Street Sweeping:
 Maintenance down by half
 Income was 13,000.00
 Net income is negative 1,000.00 because of billing cycle, this will change coming into the 3rd qtr.
 It was asked if fees were increased to include the increase in fuel costs. Adam Gochnauer said that when the contracts were signed, they were locked into the same price and an increase will take effect next year.
 Cash balances:
 5.9 million – Fulton
 2.1 million – investments with Edward Jones
 Receivables:
 As of June 30th 137,695.00
 110,000.00 – current
 18.77 – 90 days
 3,100.00 – 60 days

8. Manager St. Clair: Review Borough Holidays for 2023

They are all the same except Presidents Day was added because there was a gap from January through April without a break and not everyone earns a vacation right away. It will not cost the borough any extra money for this. This will be voted on at the next meeting.

9. Manager St. Clair: 2023 Budget: Preliminary review for General/Water/Trash

Manager St. Clair reviewed the 2023 preliminary budgets for General, Water & Trash Accounts with Councilmembers.

10. Misc. Items from Manager or Borough Council

Manager St. Clair

Received final SCADA grant money in the amount of 41,310.00

Pickle Ball proposal received by resident was shared with council.

ARRO is looking to have a company picnic in September, and they would like to have a dunk tank - a certificate of insurance will be needed for this.

NNO will be held Tuesday August 2nd from 6:00 – 8:00p.m. Bike ride at 5:30 p.m. NLCRPD will have a table and 5-6 police officers will be there.

President Miller

Recycling grant has been signed.

Lancaster County Magazine featured a picture of East Pete Pool along with the article "Learn to swim; exercise for Life".

John Schick

Mad Chef follow up on outdoor music: Last month the LCB changed their regulation a few days after Mad Chef came to the last council meeting; outdoor music is now allowed within the 75 decibels. This will allow them to have the music they wanted to have.

Is borough interested in purchasing a new radar sign \$3,000 – \$6,000?

It was pointed out that NLCRPD received a grant for radar signs, and it shows time and plate number, we just need to request them. Manager St. Clair and Adam Gochnauer said they will ask NLCRPD at the next meeting they attend with them.

11. Fire Co. Financials

Reviewed by Council.

III. Agenda Items for ACTION

1. *It was moved and seconded (A. Gochnauer / R. Rannels) with unanimous approval by the board to approve the June, 2022, Borough Committee meeting minutes*

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

V. Committee Meeting Adjournment: 9:24 p.m.

VI. Executive Session for legal matters: 9:37 p.m.- 10:41 p.m.

Next Meeting: Wednesday, August 3, 2022, Council Meeting & Thursday, August 25, 2022, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary