

MINUTES OF THE COMMITTEE MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	June 22, 2023	6:00 p.m.
LOCATION:	Community Center	6051 Pine Street
ATTENDANCE:	Council Members:	Debra Miller, President John Schick, Vice-President Adam Gochnauer, Pro Tem John Herr Lauren Houck Randy Rannels Sandra Valdez James Malone Mayor: Borough Manager: Supervisor:

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

Moment of Silence / Pledge to Flag

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

I. PUBLIC COMMENTS:

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

II. AGENDA ITEMS FOR DISCUSSION ONLY:

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

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

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

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

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

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

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

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

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

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

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

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

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

Satish Dwivedi was not in attendance.

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

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

Adam Gochnauer asked if this was an error on their part. Mr. Bingham said it could be an error or just be settlement. It has been years since the raingardens were put in and the inspections were only recently done. Mr. Swarr asked if they could settle further and become an issue. Mr. Bingham said it is possible, but every property owner has an (O&M) Operation & Maintenance Agreement, and this requires them to maintain the basins and if they do not function properly at any point, the homeowner would have to bring them back into compliance.

Amy Leonard explained that normally a developer requests a waiver in the beginning during the plan approval process. She said if they knew that they were not going to meet the requirements, they would have submitted the waiver at this point (2019). Ms. Leonard said they are asking for the waiver because they do not want to have to go back and redo all the berms. Michael Bingham said he would have denied the waiver in the beginning because it could have settled even more.

Adam Gochnauer asked if they grant the waiver would the borough then be liable if there is a flooding issue?

Ms. Leonard said the Operation & Maintenance agreement requires the property owner to keep the basin functional and as long as they do that, whether there is 2 inches, or 6 inches is really not going to make a difference functionally. Ms. Leonard said that the O&M agreement points out that there is no guarantee that they

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

4. Amy Leonard / Michael Bingham: Short Term Rentals

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Leonard said that she understands that people who have Airbnb's want to keep it nice and get good reviews because it is good for their investment, but that needs to be separate from what council wants residential neighborhoods to look like and even if they are terrific transient guests, it is not going to be a person with a vested interest in your community. Transient guests do not run for council, school boards, or put their children in the schools here and are not here to become your neighbors. She said most owners want what Mr. Maurer wants and that is to have a neighbor who has made a commitment to live in this community. Council needs to decide what they want the neighborhoods to look like and what degree of transiency do you want in these neighborhoods.

John Herr said there is a well-documented effect of allowing Airbnb's: it makes housing less affordable for single family owners and it makes the use of a property more profitable as a short-term rental and thus dries out single family ownership. Mr. Bingham said it can bring in more investors that do not reside in these properties.

Ms. Latsios asked if it could be allowed for only a certain percentage. Ms. Leonard said ultimately it is councils' decision as to what they want the borough's residential area to look like.

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

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

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

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

5. Hockey League Complaints

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

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

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

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

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

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

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

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

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

8. Jeff Moseman: Review Verizon Cell tower upgrade

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

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

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

10. Review Account Payables 06/22/2023

No additions to the regular bills.

11. Misc. Items

Debra Miller

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

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

Manager St. Clair

The office renovations did start this week on Monday.

We hired someone for the water department.

12. Fire Company Financials – for review only

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

II. ACTION ITEMS:

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

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- III. **Extra Items: Issues arising in the last 24 hours:** None.
- IV. **Committee Meeting Adjournment:** 8:44 p.m.
- V. **Executive Session for legal & personnel matters:** 8:50 p.m. – 9:34 p.m.
- VI. **Regular Meeting back In:** 9:34 p.m.
- VII. *It was moved and seconded (A. Gochnauer / J. Herr) with unanimous approval by the board, to approve what was discussed and approved for personnel*
- VIII. **Regular Meeting Adjournment:** 9:34 p.m.

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

Respectfully Submitted,
Kim Strayer, Recording Secretary