

MINUTES OF THE COMMITTEE MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	June 23, 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 (Absent)
	Mayor:	James Malone
	Borough Manager:	Karen St. Clair
	Supervisor:	Jeff Moseman
	Borough Solicitor:	Amy Leonard
	Borough Engineer:	Michael Bingham

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

Moment of Silence / Pledge to Flag

Visitors: Tammy Moseman, Michelle Carpenter, Anette Rogers, Samuel Maurer, Kim & Eric Mause, Linda Anspack, Larry Large, Andrew Hake, Don Schoenberger, Robert Devosa, Andrew Alwine, Keith Rollman, James Swarr, Josh Roberts
Josh Roberts and James Swarr were recording the meeting.

I. PUBLIC COMMENTS: There were several residents in attendance regarding the Lemon Street sidewalk replacement.

President Miller gave the following update on the sidewalk/curb replacement project: At the last Council meeting it was decided to put together a team to go out and look at the sidewalks on a one-by-one basis. It was recommended by Council to have that team consist of John Schick, Kevin Martin, and Michael Bingham. In the meantime, Tammy Moseman is contacting residents that are impacted by the sidewalk/curb replacement project. Tammy Moseman is gathering information and will submit it to borough council and manager. When all the properties are all assessed by the team, we will then continue discussions. To discuss anything now would be unproductive because we need more information to proceed.

John Schick said he thinks this project is going to go another year. When we start looking at time frames, construction periods, and the work involved for the contractors, it just seems to make sense to wait another year. With the water main project, it is not urgent because the road will be repaired after the work is done and if it has to sit another year to give more time than that would be in the best interest of everyone. Mr. Schick pointed out that construction cost will change, so it is best to wait to get quotes. We will develop the plan and police will bring the drone out and we will gather the information and we can then share the information with everyone and give a full year to have it done. There is no urgency to get the roads done now, so it just makes sense to wait. Mr. Schick said he will coordinate a time with Kevin Martin and Michael Bingham to go out and look at the sidewalks. Michael Bingham said it would not be productive to meet on residents' properties until Council decides if they will go with an 8-inch curb or stay with what is there.

1. Tammy Moseman - Typed up a letter and sent it out to Lemon Street residents and started a group e-mail to keep them informed on the updates of the Lemon Street sidewalks. She will keep the contact information and availability information she received from the other property owners on Lemon Street until it is needed. John Schick said in the next couple of weeks they will work to figure out a good time to get out there. Mr. Schick thanked Ms. Moseman for getting the information. Tammy Moseman asked council if they have looked into updating the sidewalk ordinance. President Miller said the idea has come up, but it has not been discussed yet.

2. Robert Devosa – Asked for an estimated cost for sidewalk/curb replacement because he would like to know how much he will need to have this work done. John Schick told him they will be putting it out to get bid amounts for the work and then he can decide if he wants to go with that price along with everyone else or get someone on his own because the borough will receive a price with prevailing wages. Mr. Schick said costs are changing so often it would be hard to pinpoint a price that will stick. Michael Bingham said even using a standard indexing for cost of construction is not reliable due to the fast rate of inflation we are experiencing. Mr. Bingham said it is going to come down to what each contractor is willing to do, and he recommended getting prices from several contractors that would include removal, installation, and stone sub-base, and for curbing ask for lineal footage cost.
3. Two residents did receive price quotes: (1) 15,000.00 from BR Kreider (2) 12,200.00. John Schick said they should ask for a square yard cost for sidewalk that would include removal, installation, and stone sub-base and for curbing ask for cost of lineal footage. He said it would be good if all the residents compare prices they receive.
4. Samuel Maurer – Asked how the water main project is going as far as connecting the lines and if there are any problems with the private lines. Jeff Moseman said they started yesterday and should continue through next Monday or longer if they come into complications. Mr. Moseman said the new service lines are from the main to the shut off valve and anything from the shut off valve to the house is the property owner's responsibility. Mr. Moseman said they will get a door hanger to end the boil water advisory, possibly on Saturday, after we receive the clear lab test results. Mr. Maurer said there was a phone number for EPA on the door hanger and it was a message with an e-mail, and you could not talk to a person. Mr. Moseman said he can always call the office if he has any questions. Mr. Maurer asked if he could view the meeting minutes prior to them being approved. Council said they are only a draft and are always approved at the following meeting, and they are not allowed to be published until approved by Council and any necessary corrections made, according to the state laws.

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. **Greg Kendig: Mad Chef – Wants Borough to apply for a noise exemption from the Liquor Code to allow Patio Music**

Greg Kendig said they currently have live acoustical music inside, and during the warmer months they would like to have it outside. He said the PLCB has clear guidelines for amplified music, which can be superseded by the local municipalities noise ordinance, so they would like to prepare a petition to file with the PLCB to allow the boroughs noise ordinance to supersede the PLCB restrictions for amplified music. He said the music will stay within the 75-decibel range within the prescribed distance from their business and they will be well within the noise ordinance time range of 10:00 p.m because their music will be scheduled from 5:30-7:30 p.m. on Wednesday's. They would like to be able to showcase local musical acts.

Amy Leonard, Borough Solicitor, said that the liquor code provisions that Mr. Kendig is referencing say that he can get an exemption from what is a very restricted provision in the code, if the municipality is willing to apply for the exemption. She said Mr. Kendig cannot apply for the exemption himself and the borough would have to essentially apply for the exemption and has to designate an area that will be exempt. It could be just his venue or if there are a couple of businesses in the same area you could designate a broader area. The borough is required to submit to the PLCB indicating your intention to receive the exemption. They will then review the petition and schedule a hearing. Ms. Leonard said she is not a PLCB attorney, so she is not exactly sure how that hearing process works, and she said they will probably want to hear from the borough as to why the exemption is appropriate and that you have your own noise ordinance you are willing to enforce rather than have the PLCB provision apply. The PLCB will make a decision as to whether the municipalities request for the exemption is granted. There is some language in there saying if he sells the business, you can actually ask the PLCB to rescind the exemption. Amy Leonard said she would be nervous about agreeing to take the work for this because the request is really coming from the business owner himself. She had this come up with another municipality and the municipality suggested the business owner go to their own attorney that would have some PLCB experience and have the application drafted at the business owner's expense. They would then present it to the borough, and they can look it over to make sure everything looks right. Mr. Kendig said he has already reached out to the person who does their RAMP training about this and has asked for suggestions for attorneys that could handle this. Ms. Leonard said the submission would still have to come from the borough. Mr. Kendig said he is thinking of doing this for next spring. All of Council was in agreement for Mr. Kendig to move forward with getting the application together and bringing it back to Council when it is ready for their review.

2. Jeff Moseman/MS4 Presentation

Mr. Moseman gave the following MS4 Presentation:

Stormwater/MS4 breaks down to Municipal Separate Stormwater Systems which is comprised of conveyance or system of conveyance which is owned by any state, city, town, or village or other public entity that discharges waters to the U.S. Water System and is designated to collect and convey stormwater through storm drains, pipes, and vessels. Due to this, homeowners are required to obtain stormwater, NPDES (National Pollutant Discharge Elimination System) permit. This permit allows for managing, implementing, and enforcing policies that regard to stormwater discharges that will effectively prohibit pollutants and stormwater discharges and any unauthorized discharges. A big part of this program is education and involvement. Stormwater information from the borough can be found on East Petersburg website eastpetersburgborough.org We put information about MS4 in the quarterly newsletter and we have stormwater informational fliers here at the Community Center and also at the office. We are required to have MS4 public participation events, and we try to have at least one per year covering MS4 topics and these events are typically held during water week (1st week in June). In 2022, we had two events: Riparian Buffer Tree Planting Day and Rain Garden Maintenance Workshop. We did these events in conjunction with the Little Conestoga Watershed Alliance who helps spread awareness through different organizations found at littleconestoga.org. They meet the 3rd Wednesday of each month at Lancaster Farm & Home Center on Arcadia Road. Mr. Moseman shared pictures from Riparian Buffer Tree Planting Day located at 6495 Hollow Drive near the swale behind Northfield Drive. Many volunteers from the public came out and helped plant 193 trees and shrubs. This planting will help increase water quality. Pictures were shared from both events. Mr. Moseman said the Workshop for Rain Garden Maintenance was held by Chesapeake Landscape Professionals in a classroom setting to learn the process of installing a rain garden and how to maintain it. These classes offer certifications that will help professionals in the field maintain gardens that are environmentally friendly. Mr. Moseman explained that another part of the MS4 Program is tracking illicit discharge, and pollution prevention. Illicit discharge is any discharge into an MS4 system that is not composed entirely of stormwater. This includes household cleaners, motor oil, herbicides, pesticides, trash, organic debris such as leaves, grass and sometimes water. In any of these cases, we need to investigate to determine if any of these pollutants are present, so it does not end up in the bay. The borough flushes hydrants and for this we need to remove the chlorine, so it doesn't get out to the water ways and kill the fish therefore we use dechlorinating tablets to remove the chlorine from the water. This year they found a lot of grass and leaves in the street and these properties were posted with violation door hangers and given information on illicit discharge. There was an incident of spilled mulch on the roadway that was dealt with and remedied. People draining pools sometimes think it is ok to drain water to the street, but it is important to remember to remove chlorine first. One resident was found to have debris on the roadway from backwashing a filter. Spillage of pesticides and herbicides by lawn care companies has been found and they do keep watch for these things and then track down the people who did it. Traffic accidents are monitored if they are near storm drains, and the material and debris are cleaned up. Residents are encouraged to report any illicit discharge to the borough. There is a quick link on the home page of the website, or you can call the borough office and we will check it out.

3. TOA Review: Michael Bingham said we are still waiting for the blasting agreement to be finalized, they came back with a lot of revisions that were declined. They were trying to make things easier on themselves.

Ms. Leonard said they were trying to shift the insurance and indemnification and general responsibilities to the contractor. The developer has come to us and asked for our approval and part of the plan is for blasting, so her position is if the developer and the contractor want to enter into agreements between the two of them about who is responsible they can do that between themselves, but from the boroughs side the developer is the one who is in control of this project and she feels the developer is the one that needs to sign the blasting and indemnification agreement. The purpose of the agreement is to protect the water system including the infrastructure and the wells. She explained if there would be a problem with the project, we need to be able to go to the developer. This is why she has been persistent about the blasting agreement staying as drafted.

Amy Leonard said they are looking for plan approval at the next meeting. She explained in addition to approving the final plans there will be a Developers Agreement – this agreement was prepared by Ms. Leonard and says the financial security will be posted ensuring all the components of the project will be completed to the borough's specifications, borough ordinances, IPMS, borough regulations and this will ensure the project gets done the way it should. There will also be a Water Extension Agreement – this agreement was prepared by Ms. Leonard, and this says they will construct water lines for their project at their own cost and that they will then dedicate the lines to the borough. The agreement requires them to meet all the specification and requirements, etc., and will be inspected accordingly. If these things are not done to requirements there will be required bonds in place. There is an O&M Agreement that refers to stormwater improvements and maintenance. They are required to pay a park and rec fee. She explained that as part of the project they are required to donate land for park and rec, or they have to pay a "fee in lieu of" donating the park and rec space. Ms. Leonard explained all of this will be on the

agenda on July 5th, along with the plans. Ms. Leonard said all of this has been reviewed by her and Michael Bingham and explained she has either directly prepared these agreements, or they are standard forms that are used by them. Ms. Leonard explained they are not really looking for a critique because these are the forms that will protect the boroughs best interest and ensure that the project gets done properly. The bonding is already in place it will just be a matter of approving the posted financial security. She just wants to help them understand what they will be asked to approve. Michael Bingham added that he is comfortable with them approving and signing all of these documents and the plans. If we do not receive the blasting agreement, then he recommends not approving the other documents. Karen St. Clair will follow up with Council before the meeting and let them know the status. Council will need to sign the actual set of plans and the Agreements will also need signed by the borough and then this will all go to be recorded with Lancaster County. The plans will not be signed until the blasting agreement is received.

Mr. Bingham explained that that the developers get a Letter of Credit through a bank which is a loan, and they are only paying interest on this while the project is going on. When the project is completed and approved by the borough it can be reduced or eliminated. With the bond, they will be in a hurry because after a stage of a project is finished the developer can ask for approval to reduce the bond amount. The water lines and streets will be dedicated to the borough. Mr. Bingham explained they will have somebody on site when they do the water line and streets, to ensure the work is done properly. The fee is paid by the developer for this. Inspections will have to be passed before the roads can be dedicated and 15% will be held for 18 months as a maintenance guarantee. Ms. Leonard explained that a lot of these requirements come from the state law. Mr. Bingham explained that the plans have also been looked over for water capacity and this was all approved by the water engineer at ARRO. They have submitted the O&M Agreement, financial security, fee in lieu of, and bond agreements, so as of now all the bonds and agreements have been submitted, and we are just waiting for the blasting agreement and after that is submitted and approved, along with the bonds that go along with that, then council can sign off on the plans.

4. ARLE Grant for intersections SR 72/Miller and SR 72/Enterprise

John Schick reported the following on the ARLE Grant:

Every year PennDOT puts out an ARLE Grant to which the funds come from red light enforcement in PA. Philadelphia has the majority of these lights on Roosevelt Blvd. The funds collected from these go into a big pot and PennDOT takes this money and distributes it to the host municipality, and the rest goes into a pot for this grant program. Municipalities have the ability to submit to get money for traffic improvements. Mr. Schick said the new signal light at the square was a result of the 2018 ARLE Grant. It paid for 80% of that project. The applications come every June. This year we are looking at the two intersections 72/Miller and 72/Enterprise. The new technology is a radar detection, and it is much better. It actually monitors cars coming to the intersection and detects the speed and distance. It detects the speed of the car approaching and how close it is to the stop bar before changing the light. This is called the dilemma zone when the person driving will have to decide if they gun it or hit the break, this is where most accidents occur. The radar will constantly monitor traffic and extend the green time. It has been proven that the number of accidents has been reduced due to this type of technology. The permits for the signal lights at these two intersections are shared with East Hempfield, so any cost over the grant amount received will be shared 50/50. Radar is more expensive to put in, but it eliminates high costs of replacing loops when they go out. Recently there were left turn arrows put in at 72 and Miller and East Hempfield did pay half of the cost. Walk signals will be replaced with a 3 second advance phase added. Mr. Schick said PennDOT should look favorably towards all of this because it is for safety. A pre-scope was submitted last week, and we are hoping to receive 100,000.00 which will cover most of the 120,000.00 it will cost to update the signals at both intersections. If we receive this grant all the lights except for Lemon Street will be updated.

5. Accounts Payable

Reviewed by Council

6. Misc. Items

Manager St. Clair

Hempfield Church of the Brethren Ice Cream Social to be held near Constitution Square and Lincoln Court has been moved to the rain date of August 26, 2022.

NNO will be on Tuesday, August 2, 2022, beginning with a bike ride at 5:30 p.m. Free activities from 6:00 – 8:00 p.m. will include open swim, hot dogs, chips, ice cream, goodie bags for the kids, bounce houses, touch a truck. All swimmers 18 years old and under must pass a swim test or have a responsible adult with them at all times.

7. Fire Co. Financials

Reviewed by Council.

III. Agenda Items for ACTION

- 1. It was moved and seconded (A. Gochnauer / J. Schick) with unanimous approval by the board to approve the April 28, 2022, Borough Committee meeting minutes*
- 2. It was moved and seconded (R. Rannels / J. Herr) with a 5-2 approval by the board to approve the May 26, 2022, Borough Committee meeting minutes, Adam Gochnauer and John Schick abstained because they were not at the May Committee meeting*

IV. Committee Meeting Adjournment: 7:08 p.m.

V. Executive Session for legal and personnel matters: In: 7:14 p.m. Out: 8:47 p.m.

VI. Committee Meeting back in session: 8:47 p.m.

VII. Extra Items: Issues arising in the last 24 hours:

- 1. It was moved and seconded (A. Gochnauer / J. Herr) with unanimous approval by the board, to add wage changes to the agenda*
- 2. It was moved and seconded (A. Gochnauer / J. Schick) with unanimous approval by the board, to approve an increase in Kevin Martins salary with retro pay as of March 28, 2022*
- 3. It was moved and seconded (A. Gochnauer / J. Schick) with unanimous approval by the board, to approve a bonus for Kim Strayer*

Policies for public comment was discussed to establish a written policy to allow for a time limit policy to allow for borough business to be conducted in a timely manner and to allow for every resident to have equal time to speak. This is something a lot of municipalities have whether they are followed or not, and they are something to fall back on. The PA Boroughs Association strongly suggests a policy be put into place for this.

Amy Leonard, Borough Solicitor, said many municipalities have these policies in place and it is not intended to be a stop clock, it is generally a fall back measure for when there is a large group of residents who want to speak about something and you can let them know you will get to every one of them, but you need to keep things moving in an orderly respectful manner and the policy will be followed. If there is a legitimate issue that requires discussion with council, they would not normally be cut off. Ms. Leonard said it can also be used for when you have someone who is being disruptive and you can let them know that they have already had ten minutes, but the meeting needs to move on so business can be conducted. It was discussed to keep it general and just make an announcement when it is needed.

There was a difference of opinion among council regarding whether or not this should be made a policy and whether it should have a time limit or to keep it general or to just make an announcement when needed. Amy Leonard said that this should not be voted on tonight anyway, and it should be talked about after we see if there is an existing policy.

VIII. Committee Meeting Adjournment: 9:15 p.m.

Next Meeting: Tuesday, July 5, 2022, Council Meeting & Thursday, July 28, 2022, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary