

MINUTES OF THE COMMITTEE MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	May 25, 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 (Absent) Lauren Houck Randy Rannels Sandra Valdez (Absent)
	Mayor:	James Malone (Absent)
	Borough Manager:	Karen St. Clair
	Supervisor:	Jeff Moseman

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

Moment of Silence / Pledge to Flag

Visitors: Tammy Moseman

I. PUBLIC COMMENTS: None

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. Jeff Moseman: MS4 Presentation for reporting year 2022-2023

Mr. Moseman explained MS4 is a conveyance or system of conveyances that is owned by a state, city, town, village, or other public entity that discharges to water in the U.S., designated to collect, or convey stormwater (e.g., storm drains, pipes, ditches). MS4 owners are required to obtain a Storm Water NPDES (National Pollutant Discharge Elimination System) permit. The NPDES stormwater discharge permit is to manage, implement and enforce stormwater discharges which will effectively prohibit pollutants in stormwater discharges or other unauthorized discharges. Borough stormwater information is available at www.eastpetersburgborough.org, borough quarterly newsletter, and stormwater informational fliers at the office and community center.

Public participation events were held throughout the year: *Riparian Buffer Fall Maintenance Event* was held on November 5, 2022. After volunteers planted 196 trees and 94 bushes, in the buffer, volunteers once again participated by doing maintenance on tree tubes to prevent/correct fallen trees. The buffer zone was put in place to shade this area and filter out pollutants, and to allow for a more consistent temperature for fishery. Informational signage to be posted at the Riparian Buffer will be received through a grant that Lancaster County received.

Rain Garden Spring Maintenance Day was held on May 20, 2023 – volunteers helped weed the beds and spread mulch.

Events are conducted in conjunction with the Little Conestoga Watershed Alliance <http://littleconestoga.org>. LCWA meetings are held on the 3rd Wednesday of the month at Lancaster Farm and Home Center – 1383 Arcadia Road Lancaster, PA.

Another key part of the MS4 program is controlling *Illicit Discharges* which are household cleaners, motor oil, lawn care products, trash, organic debris, and sometimes water. These discharges need to be investigated to see if pollutants are present. The water department does dechlorinate all water when hydro flushing, which needs to be done for the water system. Residents must dechlorinate water when draining from a pool, and under the new stormwater ordinance water must be drained onto grassy areas only. Grass and leaves in the roadways wash into storm drains and can eventually end up in the bay. Trash and yard waste bags must be placed behind the curb line, not in the street, to eliminate the possibility of run-off. Yard Maintenance products can also end up in the street if not used correctly.

Hydraulic oil was spilled by a contractor through town. The contractor was found, and a lot of time was spent on clean up.

Cooking oil and grease was found to be illegally dumped into a storm basin at Village Commons, fortunately, the water quality unit under the parking lot trapped the grease from further travel. The cleanup was expensive and timely. Property owner was responsible for paying for the clean-up.

Softener resin beads were found and property owner was responsible for clean-up.

Residents are encouraged to report illicit discharge to the borough office by calling the office or through the MS4 page at www.eastpetersburgborough.org.

2. Review HARC's Concession stand agreement with 3rd party

Manager St. Clair said the agreement is actually between HARC and the Full-Service Concessions, but she wanted Council to see the agreement before HARC votes on this tomorrow. It was pointed out that the borough will be listed as an additional insured.

3. Amy Leonard: Airbnb discussion. Defining Short-Term Rentals, Regulations? Inspections? Licensing?

Amy Leonard prepared and reviewed with Council two separate Short-term Rental Ordinances.

Both drafted ordinances are for short-term rentals with one being zoning amendments and the other being a stand-alone ordinance. Ms. Leonard explained that short-term rental is a general term used for a property that is rented out for no less than 1 day and not more than 30 days. Airbnb and Vrbo are just names of online companies assisting with the renting process.

The zoning amendment: names the zoning districts, and where this use would be allowed. Proposing short-term rental would not be permitted in residential districts; only in NC, HC, LI. A definition for short-term rentals has been added – if someone looks for this use in the zoning ordinance, they would be able to find it.

There are 10-12 specific regulations for short term rental: insurance coverage, hotel tax license from county/state, county hotel occupancy tax certificate, designating a person in charge, the use must be compliant with building code regulations, building use would need to be inspected by zoning officer/BCO before a certificate of occupancy can be issued. Additional units cannot be made for this use. Short-term and long-term rental properties cannot be mixed. Limits on occupancy per bedroom. Maximum number for day guests. Restrictions on adding bedrooms (sofa beds could be considered), off-street parking for this use in congested parking areas.

The separate stand-alone ordinance for Airbnb is mainly to address the administrative issues. It will give requirements for licensing, processing, fees, terms, verification. Stand-alone ordinance will prohibit disorderly conduct, campers & outdoor sleeping, fireworks, changing appearance. Safety measures will also be covered. Inspections will need to be done by code official. Handling violations and nuisances, suspension of licensing, holding owner accountable, provisions or appeals. These items can change so it is good to have a stand-alone ordinance to make the process easier.

Randy Rannels asked if owners of Short-term rentals would still have to go through special exception for an in-home business? Ms. Leonard said she was not contemplating that if people wanted to establish a short-term rental, that they would have to go through both the in-home business process and short-term rental process. She has not seen anyone handle it that way. Mr. Rannels asked if a duplex is used as a business on one side and the other side for short-term rental and they do not live there, would the rental need approval for in-home business then? Ms. Leonard said they would only need approval for short-term rental for the space being used for transient guests. If a property owner lives in one unit and rents the other, it could also depend on if there were cooking facilities. Ms. Leonard explained if it doesn't have cooking facilities, it is a bed and breakfast. If it has cooking facilities, it is a short-term rental. Ms. Leonard said they will talk to Michael Bingham regarding the zoning aspects to see if there is a need to define this more.

Debra Miller asked how the fees will be set. Amy Leonard said it might be a good idea to have a discussion with ARRO to see if they handle this in other areas, and how much time they spend on this. Administrative time will need to be considered also. John Schick said a nearby municipality charges 1,000.00 per application. Randy Rannels said maybe it should be a two-part fee in case it does not get approved.

John Schick asked if this covers room rental. Amy Leonard said no. She thinks that falls under boarding house.

Mr. Schick asked how many people are allowed to rent a 4-bedroom home. Amy Leonard said it is 2 per bedroom, but they can set it however they want. She pointed out that Michael Bingham will be at the next meeting, and he can answer the zoning questions then. Ms. Leonard pointed out that these properties will be required under the building codes to have sprinkler systems and wired type smoke detectors. She said that is why it is a good idea to put these types of rentals in the commercial district because most of these properties already have the items to meet the Building Code requirements. She said it will be very hard for someone in the residential area to meet the building code requirements for this. Ms. Leonard said it is up to the borough to add the items covered from a health and safety standpoint and the property owner can add a list of their own restrictions. Ms. Leonard said that it is her understanding that building code has a separate designation for a "residential use" for *transient guests*, and that is what makes these properties more like hotels. Parking needs to be considered, and if it can be leased off-site parking. Lauren Houck asked where sprinklers are covered. Ms.

Leonard said it falls under the section that states you have to comply with all building codes and other borough ordinances. Adam Gochnauer asked what the procedure is for long term properties vs. short term. Ms. Leonard said that a long-term is a rented unit and short-term falls under 30 day or less and it is covered under the state rule for sales use and hotel occupancy tax which is non-negotiable. The way that most people get caught renting short term rentals is on Airbnb and VRBO or somewhere on the internet. Ms. Leonard said it is common for people to do residential leases on a month-to-month basis, and that is probably why the state decided to define short term rentals as 30 day or less rentals. Ms. Leonard said she anticipates the borough staff will keep a list of short-term rentals on file. Debra Miller asked if there is a long-term rental ordinance. Ms. Leonard said you can require safety standards and codes are met, but a municipality cannot get involved with what is in the lease. There are residential licensing programs used in some municipalities, but this does not dictate where the rentals are only that the safety requirements are met.

Ms. Leonard said this was a great start to discussing this ordinance and it was a great start to discussing the short-term rental ordinance. The discussion will continue at the next committee meeting with Michael Bingham, who can help answer the questions regarding zoning. John Schick asked at what point this will go to Planning Commission. Amy Leonard said the stand-alone ordinance will not go to Planning Commission just the zoning amendments will. After council is finished making the amendment to the zoning ordinance, a motion will then need made to transmit the zoning ordinance amendments to Planning Commission and to Lancaster County Planning and under the law they have 30 days to review and then issue comments and recommendations. Ms. Leonard recommends council wait until they receive the input for consideration, before advertising the ordinance. Mr. Schick said the stand alone will have a lot of the regulations and because of this asked if it should go to PC. Ms. Leonard said it is ok to send it along with the zoning amendments, but PC's job is really to review land development plans and zoning amendments and they are just a recommending body.

4. Karen/Amy: 6040/6050/6060: Randall Kline Auctioneers

Randall Kline did come out and look at the properties. He said we will first need to pick a date and time for the auction to allow for advertising and putting signs out. He also said it would need to be decided what the reserve amount should be. Mr. Kline said any questions regarding auction of properties from interested buyers should be sent to him and that the borough should not answer these questions. It will be an as-is auction and the buyer will pay all transfer taxes. Three open houses will be held prior to the auction and someone with knowledge of the properties should be there. On auction day, the solicitor and possibly a few council members will need to be there. The auction will also be online. Amy Leonard pointed out that an appraisal needs to be done to establish an open bid. Ms. Leonard said that if the auctioneer is going to add the zoning district, it should be known that the properties are NC, but they are old and therefore could be non-conforming.

Adam Gochnauer said that it is harder to sell properties in colder weather at an auction, so it would be good to sell the properties in Fall. Randy Rannels suggested aiming for the middle of October. Manager St. Clair said it would make her nervous to sell the properties prior to the new office being done in case the date gets changed again. The building will have to be vacated 60 days after the properties are sold. Mr. Gochnauer said that auctions for vehicles without a reserve tend to get more attendees. Amy Leonard said her office handles a lot of public auctions for estates and a reserve is common and they do not usually have a problem selling it; she will look into this. Mr. Moseman said that Mr. Kline did say the fact that there are fewer houses on the market will bring in a lot of buyers. Manager St. Clair said she will reach out to Mr. Kline and ask if it is a good idea to have a reserve for real estate or not. The property will not be sold for less than the appraised value.

5. Borough Records Retention and Disposition

Manager St. Clair said with the move coming up we are looking to take a close look at the records retention manual and dispose of any records we are not required to keep. There are two resolutions in total: the first one is stating that we will follow the most recent MRM law that we fall under and the second one is an itemized list of documents we will dispose of. A shredding company will take care of the disposal.

6. Lancaster Bicycle Club: Covered Bridge Classic Ride

Manager St. Clair said she has requested a certificate of insurance from them. The mapped route will be the same as in previous years. This will be put on the next agenda for a vote.

7. TE 160 application for 72/Miller and 72/Enterprise

Manager St. Clair said we did receive the grant for the signal light upgrades at these intersections. This is for the normal application that we now need to submit to PennDOT. This is on the agenda for tonight under action items, to allow Rettew to submit this application for the borough.

8. Review Account Payables 05/25/2023

No additions to the regular bills.

9. Misc. Items

Manager St. Clair

Tom Huber currently holds this position until January 2024, but does not want to hold another term. There were two interested people in this position, but we have only received one letter of interest for the position. This will be put on the June agenda.

Revised schedule for office renovations was received. They will start demo on June 19. Projected project completion date is October 26.

The person who runs the Hockey Rink reached out to Manager St. Clair about the condition of the rink. She met with him at the rink, and he asked if the borough would be able to help with the cost of repairs. He expects the repairs to cost 20,000.00. Manager St. Clair did tell him that this is not something that we have done in the past. He said they might have to move to Lititz. Manager St. Clair said she told him to look into some grants and hold some fundraisers, and she did do some research and found a U.S. Hockey League grant due March 31, is available. He did say he would like to renegotiate the terms of the contract if they stay here. Lauren Houck said currently nobody is allowed to use the rink except for the league. If the league would no longer use the rink, it could be used by the community for something. There would also be more parking available for the pool to use.

Manager St. Clair said that last week the trash company reported many homes had bagged grass out without tags. The trash company will only collect grass in brown bags with grass tags.

10. Fire Company Financials – for review only

Next food truck event will be held on June 16.

II. ACTION ITEMS:

- 1. *It was moved and seconded (A. Gochnauer / R. Rannels) with unanimous approval by the board, to approve the April 27, 2023, Borough Committee meeting minutes.***
- 2. *It was moved and seconded (A. Gochnauer / R. Rannels) with 4-1 approval by the board, to approve the TE-160 application for the Traffic Signals at 72/Miller and 72/Enterprise and for Rettew to submit to PennDOT on behalf of East Petersburg Borough. John Schick abstained due to his employment with Rettew.***

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

IV. Committee Meeting Adjournment: 7:36 p.m.

VI. Executive Session for legal & personnel matters: 7:42 p.m. – 8:29 p.m.

Next Meeting: Tuesday, June 6, 2023, Council Meeting & Thursday, June 22, 2023, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary