

MINUTES OF THE COMMITTEE MEETING  
OF THE EAST PETERSBURG BOROUGH COUNCIL

<b>DATE AND TIME:</b>	May 26, 2022	6:00 p.m.
<b>LOCATION:</b>	Community Center	6051 Pine Street
<b>ATTENDANCE:</b>	Council Members:	Debra Miller, President John Schick, Vice-President (Absent) Adam Gochnauer, Pro Tem (Absent) John Herr (Absent) Lauren Houck Randy Rannels Sandra Valdez
	Mayor:	James Malone
	Borough Manager:	Karen St. Clair (Absent)
	Supervisor:	Jeff Moseman
	Borough Solicitor:	Amy Leonard (Absent)
	Assistant Treasurer:	Jennifer Guzejko

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

**Moment of Silence / Pledge to Flag**

**Visitors:** Tammy Moseman, Michael Bingham, Andrew Alwine, Keith Rollman, Michelle Carpenter, Kim & Eric Mause, Andrew Hake, Don Schoenberger, Sam Maurer, Annette Rogers, Patricia Sherrard, James Swarr, Josh Roberts was recording the meeting

President Miller announced that the Borough Codes are now on the website.

**I. PUBLIC COMMENTS:**

Several residents were in attendance from Lemon Street regarding the sidewalk replacement letters they received from Michael Bingham, Borough Engineer/ Zoning Officer.

- 1. Tammy Moseman - 6257 Lemon Street:** Asked why the other resurfacing areas in East Petersburg did not have to replace their sidewalks. Michael Bingham explained that it is on a case-by-case basis. It depends how old the existing sidewalk and curbs are. He said the biggest determining factor is if the curbing is an issue, it must be taken care of while the road is torn up. He explained that at this area of Lemon Street, the curbing is all in bad shape except for the church area. To bring these to compliance they need to be 8-inch reveal, so for the next 50-60 years anytime the road crew wants to come in and pave 2 inches of asphalt over the top to make it smooth, they will still have the curb reveal. If you would have the 6 inches that is there now, you start getting less and less curb. Mr. Bingham said in some of the older borough's you will see 2-3-inch-deep curbing which doesn't serve the purpose of a curb. Ms. Moseman pointed out that the letter says the road will be reconstructed. Mr. Bingham explained there will be trenching, backfilling, and resurfacing and this is considered reconstructing. Ms. Moseman said the ordinance states sidewalks 10 years or older or a decision made by Mr. Bingham on whether they are compliant. She asked if lower Lemon Street curbs are all 8 inches and what the deciding factor was on that end of the street and some of the other resurfaced roads, such as New Street and Stevens Street. Mr. Bingham said there wasn't an issue. The curbing on Lemon Street is deteriorating and the time to replace it is before you pave. He said the curbing on the other streets weren't deteriorating like they are here. He said if you look at the face of the curbing you will see a lot of spalling and that is the beginning stages of the concrete failure. It is where all the salt goes up against the side and all the moisture gets in there, as soon as it freezes it starts to pit and as soon as that starts to happen, the deterioration starts to speed up rapidly. Mr. Bingham said there are a couple of areas where the curbing is completely deteriorating. There is a stretch on the right-hand side as you leave town that is completely falling apart, and that is what the rest is going to be like. Tammy Moseman asked if everyone was held accountable for curbing and sidewalks on roads that have been repaved in the borough and if she looked at them is that what she would see? Mr. Bingham said if she looked now, they would not look the same as when it

was put in. Ms. Moseman asked what the difference is between maintenance, rebuilding, and reconstruction. Mr. Bingham said reconstruction is when you take out material and replace it, and they are replacing the water line, so that material will be taken out and replaced. Tammy Moseman said the ordinance and letter are both misleading because it sounds like sidewalks must be replaced after 10 years. Mr. Bingham says that is not the intent. He explained the intent here is the curbing is falling apart along this area of Lemon Street and if you replace it to the standards of 8 inches, you will have a gap between the top of the curbing at the existing sidewalk which creates a tripping hazard, and we do not want that. We want everything uniform. If it is something you put in within the last 10 years and you will not have the gap, and there is an area that has the 8-inch curb, you would not have to replace it, but he does not think this is the case at this area on Lemon Street. Tammy Moseman asked if the borough is going to be accountable for sidewalks on borough property? Mr. Bingham said there is a fine line the borough must walk in order to keep things safe without impacting taxes. If something is unsafe the borough will address it. Mr. Bingham said this is what needs to be done on Lemon Street to keep it safe and have curb appeal and it is not currently ADA compliant. Tammy Moseman asked if the lower part of Lemon Street was a 2-inch overlay? Mr. Bingham said he did not know because he was not a part of that project. Ms. Moseman said to her understanding the ones that are required to get new curbing and sidewalk currently have 6 ¼ inch, and what will be done to the road will be the thin low friction wearing course about ½ inch thick, so in her eyes it will be at the right level of what the ordinance calls for. Mr. Bingham said 8 inches is required. Ms. Moseman said you are asking 40-45 people that are already struggling to pay bills, to now come up with 10,000.00 or more to replace sidewalks, and if they cannot pay, the borough will fix them, and they will have even more costs. She asked Council what they should do? Mr. Bingham said they are not doing this because they want the homeowners to have to pay for anything. He explained the curbs are in dyer shape and the majority of them are falling apart. He said if we are to redo the road and then 3 years from now, we would have to start cutting out some curbs then we are tearing up a road we just put in. This is a cost the borough would have to incur and then pass that down to the taxpayers to replace something we just repaired. Ms. Moseman asked how residents are supposed to pay for this. Mayor Malone said home maintenance is something to budget for over the years. Mr. Bingham said that he sympathizes with the residents as a homeowner himself. Mr. Bingham said that some areas in the borough were made to put in sidewalks when they would not have known to budget for them because they never had them to begin with. Ms. Moseman said that some of the sidewalks the borough owns are in bad shape.

2. **Andrew Alwine - 6490 Lemon Street:** Asked if it is possible if everyone went with the same contractor could the permit fee be waived? He also asked if the borough could give recommendations of contractors or knows what the cost is? Mr. Bingham said the borough cannot give recommendations because if there was a problem with the contractor, we could be held liable. Mr. Alwine asked if the other end of Lemon St. all went together and had one contractor. Lauren Houck said that that most of them did use the same contractor, but she could not remember the name of the contractor. Mr. Alwine said that it would have been good if the borough would have supplied information with the letter on contractors. Lauren Houck explained that when someone has a sidewalk, curbing, or driveway done part of the fee includes the engineer going out to inspect the work as it is happening to make sure they are using the right material and the right depth. Ms. Houck said we are having someone come out to make sure the contractor is doing the work properly, and that is part of that permit fee. It was asked if they could just get one permit? Randy Rannels said Council would have to discuss that. Mr. Rannels said that it is a valid question and whether this is something they can do or not, would have to be discussed. Lauren Houck said they do not have this happen often, and it would be different than what we have scheduled and what is followed, and they like to keep everyone doing the same thing, but they are always open to hearing other ideas. Mr. Bingham said that no one is taking this lightly and it is just a matter of not doing the work twice because residents would then ask why we are wasting the taxpayer's money. Mr. Alwine said if the fee cannot be waived can you tell us where the money goes and give us the rate and be transparent with the cost. Mr. Bingham said he is the one who goes out and inspects, and the borough usually loses money because the fee does not cover his hourly rate. Lauren Houck said that the fees are reviewed yearly, and we are not up-charging for the boroughs benefit, we are just trying to get the costs covered, and this inspection is good for the resident to make sure the contractor is doing the work properly. Mr. Alwine said he wants to be sure that the fee would cover everything and there would be no back and forth after this, and everything should be sure to be up to code, and the permit cover everything. Lauren Houck said there was an incident that the contractor did not do everything to code, and it had to get redone. Mr. Bingham said that the permit states to contact the borough office 2 days prior to pouring and this individual did not, and subsequently they did not do it to code, so it had to be redone. Mr. Bingham explained that the reason he, or one of his co-workers needs to inspect, is especially important because of ADA. He said that the entire stretch along this area of Lemon St. is not ADA compliant, and it cannot physically all be ADA compliant because there are some restrictions there on width where its not going to happen and some of the side cross slopes are not going to happen. Mr. Bingham explained that all the driveways in this area that have a sharp dip, will be much smoother and more gradual, as much as possible, and this will also make it a more enjoyable walk down this street. Mr. Alwine asked what it costs to do this kind of work. Lauren Houck said usually you can call a contractor and get a

free estimate. Michael Bingham said in today's market he does not know, and if he would tell him an amount and it is higher, than he is going to be upset with him. Mr. Bingham said one of the reasons they are giving a year is because if you tell a contractor you have a year to schedule, they can give you a discount because they can fit it into their schedule when they are light on work. Mr. Bingham said there is a section in the Subdivision and Land Development Ordinance, which can be found online, that covers sidewalks and curbing. Normally with a permit you would submit a drawing, but in this case, you are replacing a sidewalk in the same location, so it will not be necessary to submit a drawing. It is important that the resident contacts us, so we can be out there when the contractor starts excavating to be sure they are putting in the best product and it is as close to ADA as possible.

3. **Keith Rollman - 6287 Lemon Street:** Asked why resurfacing and repairing the sidewalks is not an option? Mr. Bingham said it can be resurfaced, but that is a temporary fix. Mr. Bingham explained resurfacing is just painting over top the sidewalk with a very thin layer of concrete and this does not typically last as long. Mr. Bingham said when this starts to wear off you still have a product with all the salt accumulation inside, and it will deteriorate the concrete. Mr. Bingham said that is why you have the areas that are falling off. Mr. Rollman said that it is not detrimentally damaged right now, but we are being told we must replace them by people that do not have to pay for it. Mr. Rollin said he recently had to pay to have repairs done to his home and is now being asked to pay for sidewalks, so he might have to sell his house and move out of East Petersburg because he cannot afford to live here. Mr. Bingham said that if we have an area that is 8-inch curb reveal and 6-inch curb reveal, it would not be uniform, and added that 98% of the curbing in this area of Lemon St are spalling on the face and it is just a matter of time that they start cracking and falling apart and we don't want to tear the rode up after we just paved it. Mr. Rollman asked why the spalling concrete on lower Lemon did not have to be replaced? Mr. Bingham said that was 8 years ago, and he was not a part of that project.
4. **Michelle Carpenter - 6377 Lemon Street:** Said she expected the letter to come from borough councilmembers because that is who she voted for, and not from Mr. Bingham on borough letterhead because he is not an employee. Debra Miller explained he is the zoning officer for East Petersburg Borough.
5. **Kim Mause - 6250 Lemon Street:** Said with the concerns of the economy and what is going on maybe it would be better for both sides to do the pipe replacement and patch the road for now, and then wait to see how the recession goes. Ms. Mause said if Council waits for another year to revisit this, it will give them all time to prepare and to save or add to what we have saved that may have been diminished over the past 2 years. This would also give the borough time to see if the price of asphalt goes down because it is more costly this year which is more taxpayer money. Mr. Bingham said it could be a risk to wait because there is a chance the prices could go up. Ms. Mause said a lot of people have not recovered from the last 2 years yet, and now we might be going into something that could be much worse. She said that she sees there are parts of the sidewalk that are completely deteriorated, but if it is only being patched for 1 year and we wait, it would give everyone a little more time to prepare. Mr. Bingham said if they have another 2 years only 20 % of people will do anything about this and then we are back to this again in 2 years. Ms. Mause said she must replace her roof this year and now she must put a new sidewalk in, and this will use every amount of savings they have, or they will have to take out a loan against their house. Randy Rannels said it is a fair request and this is something that they need to discuss and consider. Mr. Rannels said we do not have the answers for you right now because we need to discuss this and make a decision.

A resident asked what would happen if they decided not to do the work. Mr. Bingham said it would be far more expensive because there would be legal fees and engineer fees in addition to what the borough had to pay to have the work done.

A resident asked what would happen if we just replaced the curbing and not the sidewalk. Mr. Bingham said the curbing will be higher and there would be a gap, and this would be a tripping risk. They asked if the steps would need replaced and Mr. Bingham said that the sidewalk could be installed on a slight slant. Mr. Bingham said he will have to look at it to know if this would be ok. Mr. Bingham explained that part of the permitting process is him coming out and answering questions on site. He said he has already received calls and he has gone out and spent almost an hour talking with the homeowners. Mr. Bingham said he understands it is not something the residents want, and it is not something that the borough wants to make them do, but they want to make sure it is done right, so we do not have to pay to have this done again in a couple of years.

A resident asked what happens at the alleyways? Mr. Bingham said the borough is responsible for the alley. Mr. Bingham said they will try to make everything as ADA as possible, but where it cannot be ADA, he will fill out a Technically Infeasible form for ADA and submit to PennDOT. This will be done for each one in the borough, because this must be done to not be sued by ADA.

Tammy Moseman said when council is discussing all of this, she would like them to discuss the borough property sidewalks so they can be accountable for these also.

A resident asked if speed bumps could be put in because a lot of people speed on Lemon Street.

Debra Miller said they have been working with NLCRPD on this and they have done traffic studies on this street and traffic calming tactics, and we are doing everything we can, but we are limited.

Lauren Houck said we are getting a better response with NLCRPD about the speeding on Lemon Street and in the borough. They are putting up more speed awareness signs in the borough. She explained we have a lot of roadways in this borough and the budget is only so much each year. Ms. Houck said they did an evaluation a few years ago to determine which roads were the worst and tried to come up with a schedule of priority and we are just trying to work through that list. Lauren Houck said if you see someone speeding in the borough, call the non-emergency number and report it.

Mr. Bingham said the last time he put speed bumps in for a different municipality he received so many calls of complaints because after a driver comes off the speed bump, they floor it and if they have a loud muffler this is even more of a nuisance.

Debra Miller said maybe making the Road a one way would be a good idea.

6. **Annette Rogers - 6440 Lemon Street:** Asked if they could put in a curb at one time and then the sidewalk at another time. Mr. Bingham said the problem with this is there would be a 2-inch lip and if someone's child trips, it could be detrimental. He would sooner sit there for 3 days and be yelled at rather than something tragic happen.

A resident asked when they will hear back about this. Mr. Bingham said he will not be able to attend the June 7<sup>th</sup> meeting. Debra Miller explained that 3 council members are absent tonight, and this is something they should all discuss and decide together, and this will probably happen on June 23<sup>rd</sup> at the next committee meeting. Lauren Houck explained that council meets 2 times a month and the meetings are structured differently. They discuss the items at the committee meeting. Residents are welcome to come to both meetings. Randy Rannels said he is glad the residents showed up to voice their opinions and express their ideas and they are open to doing whatever they can to help everyone. Sandra Valdez said this is the meeting we usually discuss residents' concerns but because there are so many out tonight, we are not able to do that, so the next meeting we will be able to do this is June 23<sup>rd</sup>. Michael Bingham said that this will get discussed in a public forum and any decisions made will be made in front of all of you. Lauren Houck said the committee meetings are the working meetings when we discuss any policy that might need changed, and we have all the information gathered for this meeting to review and discuss, and when we are ready to take action, it goes to the council meeting at the beginning of each month. She pointed out this is also when reports are reviewed. Mr. Bingham said the executive sessions are not to discuss these matters. Debra Miller said there is no guarantee a decision will be made at the June 23<sup>rd</sup> meeting. Lauren Houck said she would recommend the residents call or e-mail Michael Bingham and have him come out, along with contacting a contractor and getting a quote, and then bring this information to the June 23<sup>rd</sup> meeting when Michael Bingham will be here along with the rest of Council and the Borough Manager. They could also submit their information to the Borough Manager if they cannot attend the meeting. Mr. Bingham apologized and said he will be out of state so he can not be at the June 6<sup>th</sup> meeting, but to keep things consistent he would like to be the one who attends to discuss this at any future meetings. Mayor Malone said he is happy to see everyone at the meeting and explained that everything is published and advertised prior to doing it, and we want our citizens to actively participate in the lives they are living on everything from how the water is taken care of to how the trash is taken care of, and the only way to do this is to find a way to participate in government. Mayor Malone said even if the comment is only 3 minute per person, so we can get through multiple people, it is available to everyone. Mayor Malone explained that they put the comments first on the agenda so the residents will not have to wait until the end to speak. Michael Bingham said it is beneficial to have residents here, and said comments and ideas are always welcome.

7. **Sam Maurer - 6339 Lemon Street:** Asked when the water main project will start? Jeff Moseman said it will begin June 2 through 24. We just received the schedule today and a letter will be going out to all the residents affected and a door hanger hung on doors of those affected. Signs are hung in this area. Mr. Maurer said he looked up the company doing this project Doli, Inc. and saw they had bad reviews. Mr. Bingham said we are required to award the lowest bidder unless we have had prior issues, we can not disqualify them without just cause. Mr. Moseman said staff will be out there every day during the project. Mr. Bingham explained they will have to provide a service that is acceptable to the borough, or they will not get paid until it is. It is standard practice to have someone on site

to watch what they are doing, so they do not cut corners, or use materials of a lesser value to cut costs. Emergency vehicles will have full access and residents will be able to access their properties by coordinating with the contractor out there.

## II. RECESS WAS TAKEN: 7:05 p.m – 7:15 p.m.

## III. AGENDA ITEMS FOR DISCUSSION ONLY:

### 1. Nitrate Plant Repairs – review 3 quotes for exterior repairs

Mr. Moseman explained the walls at the Nitrate Plant have cracks in the block concrete and there is some separation. They had a mason come out and they were told that the steel plates that hold the windows have rusted, and this caused spacing issues which has pushed the concrete blocks and there are now cracks across the wall. Each window and the front door need repaired. Three quotes were received: Steve Groff 19,750.00, S.A. Way 20,244.75, Zurin Masonry 12,400.00. They will be repairing each one of the lentils above the windows and doors, and also repairing block and repointing brick. Quote was received from R.W. Construction in the amount of 6,694.00 to replace and install double extension door and windows. Council asked why the quote from Zurin was so much lower. Mr. Moseman said that contractors are very busy, so this must be attributing to the higher quotes and said that all three companies are reputable companies. Mr. Moseman pointed out that bids can be disqualified when necessary. A Knox key box will also be installed.

### 2. T. Mobile cell tower upgrades

The upgrades to the T. Mobile cell tower on the water tank will be taking place sometime in June. Doug DeClerk will be overseeing this project. Mr. DeClerk held a pre-construction meeting, and he will be on-site while the work is being done. Mr. DeClerk's fees are covered by an escrow account we have through T. Mobile.

### 3. HAFSC – Tammy Moseman & Randy Rannels

There will be a full HAFSC meeting held on May 31, 2022. Ms. Moseman said she found this out by watching the Hempfield board meeting on YouTube. They have not received the agenda yet. Josh Roberts asked if there is a plan B when this does not work out. Lauren Houck explained that this is a legal matter because we are still within the original contract with the commission until the end of the year. Deb Miller said there is a plan B and pointed out that because this is a legal matter it has been discussed in executive session. Mr. Roberts asked why we are still participating in the HAFSC meetings. Lauren Houck said we are holding up our part according to the contract. Mr. Roberts asked why, because they are not holding up their end of things. Mr. Rannels said that is on their end and we still are obligated to hold up our end. Mr. Swarr asked if the borough found out what happened to the finances yet from the money they owed us. Mr. Rannels said that Manager St. Clair would have to answer that. Mr. Roberts asked if the fire department is aware of the plan B. Debra Miller said no comment. Mr. Rannels said it is a legal matter and we cannot talk about it. Mr. Roberts said from a taxpayer perspective the taxpayers should not be asked to pay for anything else until this is situated. Other than the training the Fire Chief asked for, Mr. Roberts does not think the taxpayers should be held to any of that. Deb Miller said she agrees and thinks they all agree. Lauren Houck said they are watching out for the taxpayer's money; we are under legal obligations because we signed a legal contract. Mr. Roberts said Kottmyer should not be asking for any more money. Mr. Rannels said the only thing agreed to, in addition to the agreement, was the online training for the fire department. Mr. Roberts said that he is not against the training for the fire department, but he can not believe there is not an opt out to this agreement. Ms. Houck said we are in this agreement for another several months. Debra Miller said she understands what he is saying, but there are just some things that they can not talk about right now.

### 4. Accounts Payable

No additions to the regular bills.

Jennifer Guzejko pointed out that Hometown Hero Banners were under 5,000.00 which was less than expected. Any remaining funds will go toward maintenance. Randy Rannels and James Swarr said the banners seem smaller than some others they have seen in other municipalities. Randy Rannels said when they get replaced in a few years maybe we can look into getting bigger ones. It was asked why they are hanging higher up on the poles. Mr. Moseman said there is a designated height.

### 5. Fire Co. Financials

Reviewed by Council.

### 6. Misc. Items

Mayor Malone

The Radar Coalition will be holding a rally on June 9<sup>th</sup> at 9:00 a.m. at the State Capital. They are asking everyone who can be there to come out to support getting legal use of radar at the municipal level. A lot of the equipment that the state has relegated us is no longer being manufactured, so even getting repair pieces is not an option. They have a long list of on-record supporters for this, but it doesn't mean a lot unless it comes out of committee and actually gets voted on.

Debra Miller

Pool opens this weekend. Lifeguards are fully staffed. They will be allowing 70 walk-ins per day this year. GAGA pit was installed at the park. A plaque will be added to thank S. Clyde Weaver for the donation that was used to purchase the GAGA pit.

Jeff Moseman

Riparian Buffer update – 22-25 volunteers helped to plant 202 trees and 94 bushes/shrubs. Map will be put on website.

Lauren Houck

Last day of school is tomorrow.

**IV. Agenda Items for ACTION**

1. ***It was decided to move the approval of the April 28, 2022, Committee Meeting Minutes to the next meeting, so more information could be added regarding the Working Lands Restoration Project***
2. Sandra Valdez asked if this 12,400 for Zurin Masonry & Roofing includes the amount for the new door and window. Jeff Moseman said the estimate from Zurin only included mason repairs, and lintel replacement. The new door and window along with installation estimate was received from R.W. Construction in the amount of 6,694.00. Council reviewed these estimates. Debra Miller asked if there is a camera system at the nitrate plant. Mr. Moseman said none of the water properties have camera systems, but they are monitored with alarms 24/7.

**It was moved and seconded (S. Valdez / R. Rannels) with unanimous approval by the Board, to approve the quote from Zurin Masonry & Roofing in the amount of 12,400.00 for repairs to the Nitrate Plant. ARPA funds will be used to pay for these repairs.**

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

**VI. Regular Committee Meeting Adjournment: 7:55 p.m.**

**VII. Executive Session: None**

**Next Meeting: Tuesday, June 7, 2022, Council Meeting & Thursday, June 23, 2022, Committee Meeting**

Respectfully Submitted,  
Kim Strayer, Recording Secretary