

MINUTES OF THE COMMITTEE MEETING  
OF THE EAST PETERSBURG BOROUGH COUNCIL

<b>DATE AND TIME:</b>	September 28, 2023	6:00 p.m.
<b>LOCATION:</b>	Community Center	6051 Pine Street
<b>ATTENDANCE:</b>	Council Members:	Debra Miller, President John Schick, Vice-President Adam Gochnauer, Pro Tem John Herr Randy Rannels William Sharp Sandra Valdez Mayor: Borough Manager: Borough Solicitor:
		James Malone Karen St. Clair Amy Leonard

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

**Moment of Silence / Pledge to Flag**

**Visitors:** Anette Rogers, Tammy Moseman, James Swarr, Nate Horning, Ian Meiskey, Samuel Maurer V, Josh Roberts, Cory Lyons, Bob Schwartz, Derech Duffy  
James Swarr and Josh Roberts were both recording the meeting.

**I. PUBLIC COMMENTS:**

1. Tammy Moseman referred to the August meeting when Chief Kottmyer was filling everyone in on the issues at the fire department. She asked if anyone followed up on whoever was using taxpayer money for the attorney that was hired. Manager St. Clair said Chief Kottmyer did call her to give her an update on how the last meeting went, but this did not come up. Manager St. Clair said she told both sides that she is here for anyone if they need help, but she does not want to be pulled into the drama. Tammy Moseman asked if it was investigated by anyone about the taxpayer money being utilized. Randy Rannels said it sounded to him that Chief Kottmyer was going to be talking to the fire department and find out what was going on with the whole situation. Tammy Moseman said she looked and did not see any allocation for an attorney on the reports from 1-22 through 7-23. Adam Gochnauer said they have the fire tax money, and they have a separate fund of their own. In the past they had a situation, and they used their own funds to handle it, so this could be how it was handled in this situation also. Tammy Moseman said since she did not see this on the reports, she is wondering if funds are being allocated properly and being reported where they should be. It was pointed out that Chief Kottmyer mentioned that this was paid for by taxpayer money and if he misspoke than maybe Council could look into this so taxpayers do not assume that this is what happened if in fact it did not. Adam Gochnauer said he agrees that this should be looked into. Manager St. Clair said if council would like her to look into this she has no problem with this.

Tammy Moseman pointed out it was stated at the last meeting that the EMC handed in 3 months of reports that were copy and pasted. She said this is taxpayer money paying for the EMC and asked if we are getting what we are paying for. Manager St. Clair said she did set up a meeting and did meet with the manager of East Hempfield about the report, the copy and paste, and her not being here. She did ask them for a credit, and this was taken to their board and will be talked about at their next meeting. As soon as she hears back from them she will let everyone know. Randy Rannels asked when Diane Garber changed positions to assistant manager at East Hempfield. Manager St. Clair said she was never notified and noticed her title was different in an e-mail. She will now be the assistant manager of East Hempfield and the emergency management coordinator. Randy Rannels said it has been almost a year and we just found out about this change, and this makes him question how up front they are being, and this will affect how much we pay her.

2. Josh Roberts asked how many citations have been given in 2023 for illegal solicitation. Manager St. Clair said Chief Kilgore will be at the meeting on Tuesday and he will have that information. If he cannot be there she can e-mail him to find out.

Josh Roberts asked if the fire company's credit cards draw from taxpayer money, or does it come from their own pot. He voiced concern due to the recent misuse of funds. Adam Gochnauer said this would be a question to ask them when they come to the Tuesday meeting.

3. James Swarr asked if soliciting is going to be eliminated in the borough, so he does not have to call the cops every time, and nothing happens. He said he had a recent incident with a solicitor and with what the solicitor said to him in front of his wife and neighbor, the solicitor is lucky he did not rip his head off. Mr. Swarr said he did not receive a call from the officer until three hours after the incident.

James Swarr said there has been a section of sidewalk missing for several years and it has been 71 days since Collin found out. Manager St. Clair said she will send this to Michale Bingham. Randy Rannels asked who is responsible for fixing the sidewalk. John Schick said it is the homeowner's responsibility. Jeff Moseman said there was a tree removed years ago and it must have affected that one piece of sidewalk and it looks like it was prepared for sidewalk replacement, but it was never done. Amy Leonard said the liability could fall between the borough and the property owner because it falls in the right of way. Ms. Leonard said we are required to give the homeowner a specified amount of time to repair it before the borough can fix it. Ms. Leonard said when the borough becomes aware of an unsafe situation, steps can be taken to protect the public.

Adam Gochnauer asked Amy Leonard if the solicitation ordinance was looked at since it was discussed at the last meeting. Amy Leonard said she will need some kind of consensus on this and for council to take a vote on this for her to be able to look into this further. James Swarr asked council to take action to allow Amy Leonard to look into this. Adam Gochnauer said he feels the ordinance is being beat up and not followed as it should be so he would like to revisit the ordinance to consider no soliciting in the borough. Ms. Leonard said even if you ban some soliciting there are still some others that will be exempt, such as charitable entities, certain farm products, girl scouts/ boy scouts, children soliciting for school fundraising/non-profit. Political and religious will be allowed also. Randy Rannels said he does not think it is a question of what is allowed. The question is do we make all businesses illegal or not? It was pointed out that it will make it easier for everyone including the police, if someone is going around selling something, everyone will know it is an illegal act. John Schick asked if we could take action on this to allow Amy Leonard to prepare an updated ordinance for us. Debra Miller said the solicitation ordinance was updated two years ago and there were a lot of legal fees paid for this. Ms. Miller said she can't see wasting taxpayer's dollars to do another one so soon after. Mr. Gochnauer said that this should not take a ton of time. Ms. Leonard said the solicitation ordinance that we have now includes the permitting process and that is the bulk of it. Will Smith asked the officer what the penalty is for an individual soliciting without a permit. The officer present said the police are allowed to site under the ordinance. The officer said if it is the same guys they would definitely site them. The problem is a lot of these solicitors are not local. They come from out of state in a van and get dropped off, so they can't site them because when they get there the solicitors are gone, and they never see them again.

The officer said if signs are posted at the start/end of the borough and the solicitors see them, it might keep them out. It was asked if the business can be held accountable. Amy Leonard said the ordinance states that the individual must be permitted, and this is because background checks are required. She has seen the same company sending people out without a permit and other municipalities have denied giving permits to them for 6 months. This is where the municipal discretion comes in. Mr. Gochnauer said it takes a lot of time for borough staff and officers to deal with all of this, but if there is an ordinance against soliciting it just makes it easier to follow. It was pointed out that a lot of residents don't know where to find the list of permits. Ms. Leonard said the ordinance requires solicitors have their permits on them at all times. Mr. Roberts said that this forces residents to confront the person soliciting and ask them to show the permit. Tammy Moseman said she has a sign saying, "no solicitation" and someone came into her yard to approach her without an ID. She asked what her rights are. The officer said that person soliciting could be cited for trespassing if you have it posted "no solicitation." The officer said call the police and give the best description she can. If there is a picture of a permit they can go off of that to cite them.

Adam Gochnauer said if there is a no soliciting ordinance in place, then we would not have to worry about any of this. He asked Ms. Leonard if council can take a vote tonight for this. Ms. Leonard said it is not on the agenda so council would have to take a vote to add it to the agenda. Randy Rannels pointed out that it took three hours for the officer to come, and asked how long it should take. The officer said they typically respond right away but it just

depends what they have going on at the time of the call. It was asked if residents should call 911 for this. The officer said if it is an emergency to call 911, otherwise they can call the non-emergency number 717-664-1180.

*It was moved and seconded by (A. Gochnauer / J. Herr) with unanimous approval by the board, to add this item to the agenda.*

*It was moved and seconded by (A. Gochnauer / R. Rannels) with 6-1 approval by the board, to have Amy Leonard to draft a no solicitation ordinance*

## II. AGENDA ITEMS FOR DISCUSSION ONLY:

### 1. Conditions of Sale of Real Estate

Amy Leonard prepared one for each property and the conditions are the same for all three. The property will be sold to the highest bidder. There is a reserve, therefore they have the right to reject bids that do not come in at the reserve price. Purchaser has to put 10% down. There is a 60 day period to settle. The purchaser is responsible for all of the costs related to the settlement. The borough pays taxes up to the date of settlement, and the purchaser pays pro-rated amount after that. The borough will advise people what the zoning is for the properties and the fact that the land and structures may be non-conforming. The purchaser will have to sign a basic agreement of sale form when they put down the 10%. Costs related to the sale will be paid by the buyer. Ms. Leonard said there is still time to change this and if there are any questions to contact her about it. Ms. Leonard said there will need to be a quorum on the day of the sale to ensure a decision can be made by Council, if needed. It was pointed out that the reserve price will not be announced.

### 2. MS4 General NPDES permit – Annual donation to Lancaster County Watershed Alliance

Manager St. Clair said for several years, Jeff Moseman has been attending the monthly meetings with the watershed alliance and they have helped with many events we have had in the borough, and they have been very successful at helping the borough achieve MS4 requirements. At the last meeting it was brought up about participating with funding because they are limited with funds. Mr. Moseman said Manheim Township has made annual donations of \$2,500.00. Mr. Moseman said they did not directly ask him for the borough to make a donation but the conversation at the meeting was they were facing a lot of costs with the insurance being one of the biggest costs. They do not have a means of generating revenue and financially they are becoming limited in what they can do. They helped us with riparian buffer, granting with nitrate plant rain garden, and have helped get us credits for the MS4 pollution reduction plan. They are involved with all the Little Conestoga Watershed projects. This outfit provides a letter of support to help us get grants from other sources. They also do the advertising to help get support from the community. John Herr said he would be in support of giving a contribution. Adam Gochnauer said when he first started on council, they were giving money to any organization that was asking for money. He said before giving any money to anyone, he would want to see their books to know where the money goes. John Schick said they could come out and explain what they are and who they are and what they would use the money for. Jeff Moseman will ask them to put something together and have them bring it to a meeting.

### 3. PPL: Transmission Line Rebuild

PPL applied for a permit for SW discharge. Project location is in Manheim, Warwick, West Earl, E. Hempfield Twp., and East Petersburg Borough. The project is to rebuild portions of overhead transmission lines. Approximately 13 miles of transmission lines need to be rebuilt. We received a map along with a letter. This information was received as a courtesy notice. We should receive notice prior to the start of this project.

### 4. Affordable Paving – Application for Payment No. 1

Michael Bingham, Borough Engineer, recommended release of payment in the amount of \$86,697.41 for the project on Lemon St. We are still holding 10% of the payment. Amy Leonard and Michael Bingham did look through the agreement and there was nothing in the agreement that says we can deduct funds. Manager St. Clair said this is mainly because when we brought the issues to their attention, they were corrected. John Schick said he disagrees with giving the amount they are asking because they shut down a lane and did not use traffic control and this is a safety concern. They also worked outside the hours stated in the contract. He thinks they should be able to calculate the cost of traffic control and deduct this amount. It was pointed out that maybe we should look at the contract we use to see if we can make changes. Amy Leonard said she does not write these contracts, EJCDC does, and the contracts do not provide for this. Ms. Leonard said whether you cannot pay them for a job they did, or not consider them a responsible bidder on a future bid, are 2 different things. If they are low bidder on a job in the future it can be rejected due to the basis of the situation we had with them. It was also pointed out that

we used the street sweeper to do the final cleanup of the stone residue in the street. Amy Leonard said in this situation we should have notified them that we were not satisfied with the clean up and ask them to come back and if they say no, we can address it, but this did not happen. There is still a punch list with unfinished work. Tammy Moseman said there is also an area in the alleyway that is unfinished. Jeff Moseman said Affordable Paving and Collin Fox, zoning officer were both made aware of this. Michael Bingham will be contacted to take another look and check on the area in the alleyway before releasing the payment.

*It was moved and approved (A. Gochnauer / J. Schick) with unanimous approval by the board, to table the Application for Payment No. 1 to Affordable Paving*

**5. 2024 Budget Review**

Manager St. Clair reviewed the draft 2024 Budget for the remaining accounts.

**6. Review Account Payables 09/28/2023**

No additions.

**7. Misc. Items for Manager and Council**

At the last LIMC meeting they found out that Lancaster Township will be joining the UCC Board of Appeals. They did pass the ordinance for this and now the documents will need updated to reflect the addition to the Board of Appeals. The LIMC Chairperson will be going to all the municipalities involved to get a signature from the Council President and the Borough Manager on the updated documents. This will be in October or November.

We received information on the safety issues brought up by James Swarr. Council asked ARRO to get a cost for a speed and site distance study and found out it would be approx. \$2,500.00. Manager St. Clair asked council if they would like to proceed with this. John Herr said he thought we were going to have John Schick look at this. John Schick did look at this spot coming up from Ridge Ave. and he recommended possibly putting in a three-way stop. John Schick said that is a good price and the study will need to be done in order to have an ordinance passed.

The new sign for the office will be ordered. It could not be worked out to put it to the left of the fire dept. sign, so it will be put in the right of way. There will also be a sign at Pine and Broad.

We had a good turn out at the first open house; seven people went through 6040, and four people went through the rental. There will be another open house this weekend.

**Debra Miller**

HARC reviewed their 2024 budget at the meeting last night.

They will be doing a trunk or treat event on Thursday, October 26 from 6:00 – 8:00 p.m.

Debra Miller said Penn State just released a study that the spotted lanternflies do not pose a threat to our vegetation. It was discussed and decided to keep information the same for now.

**John Schick**

Asked about reviewing notice for weeds/grass to reduce the amount of time to see actions taken sooner rather than later. Currently it can go 70 days.

**John Herr**

Asked if bushes that impede sight can be addressed through property maintenance. He was told he can fill out a slip for this and it will be addressed.

He said we have some citizens that show up to meetings that are very vocal about getting rid of solicitation in the borough and asked if all the residents feel the same way they do. Adam Gochnauer said he spoke with a lot of people about this and everyone he talked to said to make it go away. He pointed out that most woman he spoke to said if they see them coming they go into the house. Tammy Moseman said she was approached while she was outside. Mr. Herr said he never felt physically threatened by a solicitor, just annoyed by them, but he sees how this can be a problem. The officer said that the officer will respond, but they could be on a call that will take a while and it cannot be assumed that they will respond quickly to a solicitor. Randy Rannels said we will be finding out how many citations were actually issued for this at the next meeting and asked if we could deny a solicitation permit for the companies that have not followed the ordinance. This would be a question for the solicitor.

**8. Fire Company Financials – for review only**

**II. ACTION ITEMS:**

September 28, 2023

1. *It was moved and seconded (S. Valdez / J. Herr) with unanimous approval by the board, to approve the August 24, 2023, Borough Committee meeting minutes.*
2. The payment for Affordable Paving was tabled earlier in the meeting because work was not complete. Sandra Valdez pointed out that the work that is not done was on the punch list and was marked as done, but it was not actually done.

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

IV. **Committee Meeting Adjournment:** 8:15 p.m

VI. **Executive Session for personnel matters:** 8:28 – 9:08 p.m.

**Next Meeting:** Tuesday, October 3, 2023, Council Meeting & Thursday, October 26, 2023, Committee Meeting

Respectfully Submitted,  
Kim Strayer, Recording Secretary