

MINUTES OF THE REGULAR MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	August 2, 2023	7:00 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 (Absent) Randy Rannels Sandra Valdez
	Mayor:	James Malone
	Borough Manager:	Karen St. Clair (Absent)
	Supervisor:	Jeff Moseman

President Miller called the regular Council meeting to order.

Pledge to Flag and Moment of Silence.

Visitors: John Kottmyer, Vicki Hoshower, Jeff & Tammy Moseman, Josh Roberts, James Swarr
James Swarr and Joshua Roberts were recording the meeting.

Visitor Comments:

1. **Vicki Hoshower** said there is currently a lot of overgrowth at Platinum Mitsubishi, and it is growing over the sidewalk, and she saw a woman fall trying to walk around it. The overgrowth is blocking the drainage and when it rains the water is overflowing onto the street and people have to walk into the street to get around it. The fire hydrant is also covered in overgrowth. She is concerned for people's safety. Ms. Hoshower also said the natural barrier required is dying and has been replaced with weeds. Kevin Martin said he will talk to the zoning officer to address the weed violation. Jeff Moseman said the stones were washed out in the parking lot due to a blocked storm drain and he did send them a letter and educational materials for the MS4 violation. Mr. Moseman said by correcting the blocked storm drain issue, it should help with the drainage.
2. **James Swarr** said he would like to have a traffic study done at a section of Carpenter Street up from Stevens St. and Jefferson St. where it meets at Ridge Avenue. Cars park on both sides of the street and it is very narrow, which makes it hard to see. He asked if we could have the police look at this to see if it is a safety hazard. Adam Gochnauer asked James Swarr to e-mail this to Manager St. Clair so it can be shared with the police. John Schick said because of the situation of site distance at this spot it might meet the criteria to put in a 3-way stop sign. Zoning can look at this also to see if there is a site distance issue.
3. **Josh Roberts** asked how we get PA state police to do commercial traffic enforcement on Rt. 72. He said we don't really have that now and haven't had this since Manheim Township Police were here. He said from what he gathered from Northern Regional, they do not have that capability. He said it is getting tough making left turns and there has been no enforcement for car carriers. Mr. Roberts said he currently saw that PA state police are doing safety checks and enforcement on the bridge and checking weights, so he asked if this is something we have available to us. Ms. Moseman said she had a car carrier barreling behind her near Hadyn Zug's and had her turn signal on and she had to speed up to avoid getting hit. Debra Miller asked if Mr. Gochnauer would put that on his list also to talk to the police about at the next meeting. Mr. Gochnauer said he will bring this to their attention. Mr. Gochnauer said they did a couple of details and sat at East Pete Auto but when they sit there nobody goes through the light because they see

the officer. He pointed out that an officer sat on Graystone Road on a Tuesday to address concerns regarding this issue. Ms. Moseman said she has seen officers at the Mennonite church many times, but they were not there when this incident took place with her. It was pointed out that officers also sit at Village Commons to patrol traffic.

President Miller asked that questions and comments about the meeting topics be held until the end of the meeting.

President Miller said that a resident called the office on July 28 to tell us she was bringing in her trash bin and she fell and was hurt. An employee of Good's Disposal saw the lady on the ground and dropped what he was doing and ran down the street to help her up get up and to get to her front door. This resident wanted to call his supervisor to thank them for this man's kindness.

Bill Payment: Reviewed by Council.
No additions to regular bills.

Police Report: Report Submitted to Council.
NLCRPD was not in attendance.
Mayor Malone pointed out that the report is posted on the NLCRPD website.
There were 106 traffic stops in the borough for the month.
As of Friday, Lt. Kilgore will become Chief of police for NLCRPD, due to Chief Steffen retiring.

Emergency Medical Service: Report Submitted to Council.
Adam Marden was in attendance and pointed out that they responded to 22 calls in the borough last month.
Busiest day was Monday p.m.
Mr. Marden said Northwest EMS is starting an authority and with this you have to pay for service, so Manheim Borough, Penn Township and part of Rapho Township asked Penn Life EMS and some others to submit a proposal. Penn State Life has been selected to cover those areas beginning January 1. Mr. Marden said they will keep a unit in Manheim, and if the unit that covers East Petersburg is not available, they will be able to send the one in Manheim.
Debra Miller asked what we would need to do to have the EMS helicopter at next years NNO. Mr. Marden said it was at East Hempfields NNO this year, most likely because the hospital is located there, but he can ask for us.

Emergency Services Coordinator: No Report given.
Diane Garber was not in attendance.

Chief Fire Official:
John Kottmyer was in attendance and reported the following:
From an emergency planning perspective, the events to date have gone well.
The three fire departments are still working together and have monthly chief meetings. What used to be known as the fire commission was dissolved because there is no longer an intermunicipal governmental agreement. The departments are working on combining the SOP's and GOP's to operate under the same policies and procedures, and this is something that has needed to happen for a while.
Within this past year there was a personnel issue at EP Fire dept. When this occurred, there was a split in the department. Don Schoenberger, who was the chief at the time, contacted Chief Kottmyer about this and because Mr. Schoenberger decided to take a stand and investigate something, after 3 investigations, the fire department decided to go with an attorney and try to get rid of Don Schoenberger and Tom Enlow. During this time, they were deposed. In the end it was found by the attorney that Don Schoenberger did not violate any bylaws or rules. Mr. Kottmyer said what was concerning to him was the fact that when Mr. Schoenberger notified Mr. Kottmyer, the fire department said Mr. Kottmyer had no business being there, to which he said then why am I here. He has since asked EP fire dept if they really want to be a part of this because they say one thing and do another. Mr. Kottmyer was called in to help mitigate and based on their attorney's advice it appears they did it well because nothing was violated, and all the appropriate steps were taken. What they are left with is a faction that was for Don and against Don. He said this has driven people away, so the fire trucks aren't getting out or they are only getting out with a couple of people. Mr. Kottmyer has sent out an MOU - known as marking up, and it allows firefighters to respond with the other departments if their department does not have enough to help out. He still gets phone calls about what has happened and what is happening, and some people are not happy about it. Mr. Kottmyer tries to explain

that Don Schoenberger is still very involved and has taken the position of deputy chief and they are blessed to have him. The borough enacted an ordinance that the Chief Fire Official has oversight over all of the departments and that includes what goes on at EP fire dept., but there is a disconnect. Mr. Kottmyer said if a ladder truck is out of service he should know about it, but he is not informed. There are different things like this occurring and sometimes he knows, other times he does not. Recently they were having an open house and he did not know the scope of it. Last year, they had five officers resign in one night. His concern is if he does not know what is going on then how do we pick up the pieces. Recently someone resigned and won't give his passwords and they don't know them. Mr. Kottmyer said you will get honesty from him and currently they have a problem, and they are trying to work through it. In his opinion, if we fail to recognize what the original problem was then we can never fix it. There is a recruitment/retention campaign taking place, but many know of the issues at the fire dept. and that an attorney was hired to get rid of Don Schoenberger, who is well known and respected, simply because he stood up for something that was wrong. Mr. Kottmyer pointed out this is not a good example of retention.

Tammy Moseman said the residents were not told that this was going on. Ms. Moseman said it concerns her because if she has a fire, or one of the other residents in the borough has a fire, who will protect them if things are not going well at the fire department. Mr. Kottmyer said that is why he has put the MOU into place. Mr. Kottmyer said fire departments do not like to air their dirty laundry and it is something that they are working on. He pointed out that all the officers are in agreement what happened to Don Schoenberger was wrong, however, the fire department has not done anything to correct it. Mr. Kottmyer said that EP fire department is the top discussion amongst the other departments in the area. Ms. Moseman said she is not concerned about the drama she is concerned about the safety of the residents. Mr. Kottmyer said the drama has an effect on it. Mr. Kottmyer said if we want to recruit and retain people, we can't do things that will show otherwise, such as hire an attorney to remove the fire chief who served 42 years.

Mr. Kottmyer said he doesn't like to come in and tell people what to do, but if things don't change, he will have to and then people are going to get upset.

Mr. Kottmyer said if EP fire department isn't able to respond then he has given permission for the other departments to respond in place of them.

Debra Miller asked if he has considered hiring someone for remediation to bring the two parties together for discussion. Mr. Kottmyer said this has been discussed by the attorney. He said when the attorney gave his report, the person who was behind it all didn't like what he was hearing and tried to dispute it and stormed out of the room, and it got to the point where the attorney asked him if he was the attorney or him? He said how this all was handled is a problem and they won't acknowledge this.

Jeff Moseman asked if anything has been put into place to weed out the bad apples that are causing the rift. Mr. Kottmyer said at the time he did not have the authority to take that action, and anything now would be considered retribution. He tried to explain to them at the time that this is pretty serious and from a liability perspective they are not out of the woods yet. We did not take action and should have, and now other members do not want to put up with this. Mr. Kottmyer said if he would throw this guy out, we would lose 50% of the members, but if he doesn't, we will lose the other 50% because they are getting tired of the drama. Debra Miller suggested using a mediator with just the members, without Mr. Kottmyer in the room, and bring in all the volunteers and say we have a duty, and we need to all get along with each other and just put all of this behind us. Mr. Kottmyer said they think the fear is still there and the others are afraid to speak up because they saw what happened with Don Schoenberger and how the membership hired an attorney to go after him and they don't want to be the next one.

Ms. Moseman asked if the individual that hired an attorney used his own funds. Mr. Kottmyer said it was taxpayer money that was used. Ms. Moseman said she doesn't understand why we are just now hearing about this.

Josh Roberts said he has been a part of fire services over the years and factions are as old as time and happen often in local fire departments. Mr. Roberts said we are in 2023 and we have a chief fire officer who is recognized by the ordinance, and he thinks council should back him fully to take the actions he needs to make sure we have a proper response, have people who are following the law, and not putting the borough or taxpayers as a liability. Mr. Roberts thinks the town should get behind Mr. Kottmyer 100% so he can do what is necessary to fix this. It was pointed out that under the ordinances enacted for Mr. Kottmyer, he does have full authority to remove personnel. Mr. Kottmyer said the risk control side is that anything now is going to be considered retribution. If this person does something additional then we have just cause, but currently we are still dealing with the past issue. Some have come to him that were daytime drivers and said they do not need the drama. Don Schoenberger used to come and drive and now we have lost him. We have put all of our eggs in one basket, and it is not paying off. He said he has told them in meetings that we cannot heal or get past something until it is acknowledged. At any given meeting, 50% are on one side and 50% is on the other. John Schick said if you weed out the issues is this going to be a liability. Mr. Kottmyer said those that are hanging in there have faith. Mr. Schick said either way you

will lose half the crew and it would be better to keep the good half and rebuild from there. Mr. Schick said if we don't get rid of the bad apple it will just continue.

Mr. Kottmyer said when five officers resigned in one night it showed him it was all about this one person, and this shows him it was about them. He said his dedication is to the fire service and the community. When Mr. Schoenberger was faced with the resignation of the five officers, he called Mr. Kottmyer at the same time on the same night and told him to keep his phone on and be ready. He pointed out that from an incident standpoint you need to have a certain number of officers on hand to handle certain personnel and they left this to Mr. Schoenberger to handle himself. Mr. Kottmyer is still not convinced they want to be part of this.

Sandra Valdez asked if you get rid of the bad half of the apple would that help to recruit and retain new ones since they are still under the impression that these individuals are still there. Mr. Kottmyer said he thinks he is very close to that action, and it is almost to the ultimatum point. Personnel is an issue everywhere, that is why this especially hurts. Rohrerstown is doing their own staffing now and did a recruitment/retention and they are now going to be staffed 24/7. Rohrerstown is one of the stations of the MOU and they are very close by and can get here quickly by coming up State Road.

Mr. Schick asked what he needs from the borough to be able to make personnel changes. Mr. Kottmyer said he just wants their understanding because people are going to be coming in here upset and having a fit. He said the borough hired him and the commission hired him to advance the fire service, and this is taking them back. He said he is appalled that they are taking the friendship of one individual over the entire community, and they won't recognize it. He said the punishment phase is over, and it is not retaliation if something else happens. We recently received an entrapment call, and he responded without waiting just in case someone didn't show up. The other stations are monitoring this as well and they are all watching, so calls will be covered, and someone will be there. Josh Roberts asked if the box alarm has been padded by adding extra units or are they just having the MOU cover it for now. Mr. Kottmyer said so far it has and it is doing some good things although at first it was received with some resistance. EP fire dept has started to show up at the scene and they need help, and help has been there. Josh Roberts said in his past experience in the fire service in Hartford County, people would get mad and go to other fire departments, he asked if there are any policies between the three departments.

Mr. Roberts said he remembers one that was forced to resign from EP fire dept because of some statements he made, and he then went to EH fire dept. Mr. Kottmyer said they now contact the other departments to do a background check. Mr. Kottmyer said even though they do not have a commission anymore he can still give them the information they are looking for. Tammy Moseman said she thought that Don Schoenberger was going to be attending the chief meetings and then give updates on things like apparatus, etc. at the borough meetings. Mr. Kottmyer said that five officers have resigned so where did the truck committee go and who is looking at any vehicles? Mr. Schoenberger has to handle the department and respond to the calls, and he is just trying to keep things going. It was pointed out that the fire department is still submitting the monthly reports to the borough and to Mr. Kottmyer. Mr. Kottmyer hopes to get everyone working together again and is hoping that if he gets to talk to the faction that supports Mr. Schoenberger maybe they will see that it is ok to come around again.

Mr. Herr said that they needed to know about all of this and thanked Mr. Kottmyer for coming.

John Schick asked how Mr. Schoenberger is doing through all of this. Mr. Kottmyer said that Don Schoenberger is an absolute asset, and there is nothing but the utmost respect for him throughout the county and he received a ton of e-mails from fire chiefs in support of him. He is fantastic and responds to all call's day and night. The five members that resigned were replaced but they do not have the credentials that the other members had. He has offered to do a 2-part fire officer program with them.

Mr. Rannels asked how long the training could take. Mr. Kottmyer said he could plan the training, but elections are coming and everything could change by January. Mr. Rannels asked who is paying for the new Tahoe truck for the FD. Mr. Kottmyer said it is a lease and the fit out added costs of \$17,000.00 and that was paid for by East Hempfield. Mr. Rannels said in the interest of public safety, he thinks Mr. Kottmyer needs to get over there and start kicking butt. Mr. Rannels said he is angry that this has been going on and has continued for so long and this all needs to stop. Mr. Kottmyer said he just wanted them to be aware if he needs to step in and do this and said the FD members still need to recognize and this is something he can't force them to do.

Adam Gochnauer said even though he is not a member he knows what goes on over there on a daily basis and has known about the incident and kept quiet until the internal affair and without getting into what is right and wrong, he said it is a mess over there. He has some issues from the financial side and some things he should have been a part of with financial committees because we do subsidize them with taxpayer money. He said he knows who has left and who has stayed and the factions, and said it is like high school over there and they don't see the common good of what they are doing and that they should just put their stuff aside and move on. He said it is so far gone over there he doesn't think just talking about it will help, and if they get rid of 50%, they won't have anyone to run apparatus. Mr. Gochnauer pointed out that Mr. Kottmyer is the boss, but he would be open to

meeting with them because he knows all of them, and now there are issues and we do support them. Mr. Gochnauer said he has to run a fine line because of the building that we are about to move into. He said if there is a point that we can get everyone together at a meeting, he could come as the borough rep. to point out to them that they were promised certain amenities and are being funded and have done things that weren't good and did waste money. He would be willing to do this and hopes that it would help to re-bond but thinks that from a borough standpoint they need to realize this isn't high school, and it is the residents they are hurting by doing this. He pointed out before this incident they were a top notch fire department. Mr. Gochnauer said they support Mr. Kottmyer and whatever he needs to do, and the outcome could be that they hand in the keys and say goodbye. He told Mr. Kottmyer not to hesitate to let him assist in at least helping to get everyone together from his end, council end and the communities end, and to say to them they need to get over this and reconcile their differences and come to the building as fire fighters for the community. When they leave, they can feel about each other however they want to, but when the siren rings they are serving the same people and thinks sometimes they forget this. At the last meeting we did not get a report because they were going through some stuff, but now it needs to end. Whether it is a good end and we all do get together, or it weeds out half of them and it goes better, or it weeds out half and we can not run apparatus, either way we need an answer. Mr. Kottmyer said early on he did reach out to all the parties, but they all came up with different excuses not to be there and they did this because they wanted Don Schoenberger to fail and that is how ugly this got. Mr. Gochnauer said there was a couple of things they have done over the last year that were not good and we talked about holding their monthly check. Mr. Gochnauer said if he needs to be the bad guy he can, but it needs to be done and they are representing taxpayers and we are funding them. The fire tax is a wonderful thing, but they need to hold up their end of the bargain. We have been through some dark times at the fire company in the past and have always been able to get through it. He thinks they can still get through this, but it will take everyone and some tough love. Mr. Gochnauer is available, if need be, and would encourage council to run the fine line there and it will have to wash itself through. It's a really bad situation and a lot of feelings got hurt and they never put it aside. He doesn't understand it, but it is what it is. Mr. Kottmyer said from his perspective they will continue to have people rolling and now that the MOU came out there is clarity. The truck that shows up may not say East Petersburg Borough, but it will be there. Tammy Moseman said she is very saddened and angry by all of this and thanked Mr. Kottmyer for all that he is doing. Mr. Gochnauer said over the years they have tried to stay out of it and let the volunteer's run things and it has been a balancing act with them and they have had MOUs for this. Adam Gochnauer said that 50% of the fire department loves us coming and 50% does not, and the faction that did not held things up. Mr. Kottmyer said the fire department had lost their way and now they need to find their way.

Fire Dept.: Report submitted to Council.
Roger Howard was not in Attendance.

Borough Manager: Report submitted to Council.
Manager St. Clair was not in attendance.

Worked on 2024 Budget, Preliminary project schedule for ARLE Traffic Signal Project, Submitted revisions for 6040/6050/6060 Graystone Road, Worked on extensive right to know for Graystone Rd.

Department Managers: Kevin Martin pointed out the following items from the department reports.

MS4 and Special Projects: Report submitted to Council.

Investigating storm pipes near Miriam Circle and Pine St.

Bioswale project continued; rain events have washed away soil. ARRO created a list of items to be remediated.

The walking path will be restored.

Looking into Wolf Circle and Jackson Street tie-in to increase the water quality. The lines would be connected, and one fire hydrant used instead of two.

Randy Rannels asked what the life expectancy is for a storm basin pipe that is deteriorating. Mr. Martin said a lot of factors go into how long a storm basin pipe can last including rain and snow events. Pipe lining is an option for remediation. Over the next 10 years there will be a lot of storm pipes that will need to be worked on. Deb Miller said there is 2nd round ARPA money that can be applied for before October 31, 2023.

Water Department: Report submitted to Council.

New SCADA tower was installed on water tower.

New employee training, Zach is learning water activities.

Portion of new water main at TOA has been filled and tested and final tie in on Cottage is still ongoing.

Preconstruction meeting was held for the Spring for new pumps. Some of the equipment has been received.

Public Works: Report submitted to Council.

Brochures are finished and construction of building is ongoing. Walls and doors are being installed.
Continue painting "no parking" at mailbox areas.
Chip seal took place today. They will come back in two weeks to do the final fog seal.
Lemon St. and sidewalk inspections.

Zoning Officer Report: Report submitted to Council.

Numerous permits were issued for sidewalk and curb replacements.
Worked on TOA and Bioswale.

Property Violation Report: Report submitted to Council.

Solicitor/Collections Report: Report submitted to Council.
Worked on short term rentals, property maintenance.

HARC: (Hempfield Area Recreation Commission) – Debra Miller – The day camp has 275 children. The summer playground has approximately 600. Twelve families have received financial aid from Everyone Belongs Scholarship fund. Koser Tennis Tournament begins August 7 and runs through August 13 – free to attend.

Old Business:

Review of Committee Meeting Topics: Affordable Paving, Draft Agreement for Hockey Rink, 6040/6050/6060 Brochures, HARC letter, Muncibid items, Account payables 7/27/23, 2022 Financial Audit, 2Q23 Financials, 2024 Draft Budget, Fire Co. financials, 6/2023 Committee Minutes, Lancaster County Redevelopment Authority M.O.U., Hess Home Builders release of financial security, public auction of the three buildings

New Business – Action Items:

President Miller asked if there were any questions on the new business items. There were no questions about the new items listed below.

- 1. It was moved and seconded (Councilmember Gochnauer, Councilmember Rannels) with unanimous approval by the board, to approve July 5, 2023, Council Meeting Minutes.*
2. Debra Miller pointed out the 2022 Financial Audit was a clean audit.
It was moved and seconded (Councilmember Gochnauer, Councilmember Valdez) with unanimous approval by the board, to approve the 2022 Financial Audit Report.
- 3. It was moved and seconded (Councilmember Schick, Councilmember Valdez) with unanimous approval by the board, to approve to incorporate the planning commissions suggested revisions to the short term rental ordinances and then send to Lancaster County Planning for their review.*
- 4. It was moved and seconded (Councilmember Gochnauer, Councilmember Herr) with unanimous approval by the board, to approve the Intergovernmental Agreement with Hempfield RecCenter (HARC), the annual contribution for 2023 will be \$9,695.00.*
- 5. It was moved and seconded (Councilmember Herr, Councilmember Rannels) with unanimous approval by the board, to accept Lauren Houck's letter of resignation, effective August 2, 2023.*

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

Announcements:

1. The next Borough Council meeting will be held on Tuesday, September 5, 2023
2. Appeals Board August 10 - 7 PM as needed
3. Planning Commission August 17 - 7 PM as needed
4. Zoning Hearing August 23 - 7 PM as needed
5. Committee August 24 - 6 PM

6. August 5 – Summer Fest begins at 12:00 with Corsair Blue Jazz Band followed by The Uptown Band. Beer & Wine Garden and Food Trucks will be available.
7. Back to School event will be held at Clipper Stadium on Sunday, August 13th from 12:00 p.m. - 2:30 p.m. The event is only open to K-8th grade students, and this year will be open to East Petersburg students. A free Barnstormers' game is included at 5pm. Children will receive a free haircut, new shoes, and a backpack with supplies. Pre-registration is required prior to August 9th. Register at www.RepMikeSturla.com, click on Back-to-School Event.
8. September 2 – Blues Fest 1:00 – 7:00 p.m.

Adjournment: 8:31 p.m.

Executive Session for legal & personnel matters: None

Respectfully Submitted,
Kim Strayer, Recording Secretary