

MINUTES OF THE REGULAR MEETING  
OF THE EAST PETERSBURG BOROUGH COUNCIL

<b>DATE AND TIME:</b>	December 7, 2021	7:00 p.m.
<b>LOCATION:</b>	Community Center	6051 Pine Street
<b>ATTENDANCE:</b>	Council Members:	John Wolf, President Debra Miller, Vice President Adam Gochnauer John Herr Lauren Houck Randy Rannels John Schick James Malone Mayor: Manager: Public Works Foreman:

**President Wolf called the Council meeting to order: 7:00 p.m.**

**Pledge to Flag**

**Visitors:** LNP Reporter, Tammy Moseman, Gary Christman, Denny Moran, Don Shoenberger, Tom Enlow, Kathy Gallion, James Swarr, Josh Roberts, Autumn Shenk, Steve Shenk, Chad Hollinger, Kim Kirchner, Michael Bingham, Chief Steffen, Adam Marden  
James Swarr, Josh Roberts, and LNP reporter were recording the meeting.

**Bill Payment:** Reviewed by Council.

Windshield had to be replaced on street sweeper due to a branch going through the front window while sweeping in Brecknock Twp.

**Comments:**

1. Kathy Gallion and Kim Kirchner – Ms. Gallion said her parents moved here in 1985 and East Petersburg became their community where they watched the grandchildren play sports and enjoyed attending the community events. She said her father, Richard Hamm recently passed in November, and she would like permission to plant a tree and possibly plant the ashes, along with a placard in the community park. She said that this is becoming a newer trend and the ashes are put into a special container, and that other people have done this in various parks in Lancaster County. Council said they have no problem with the tree and plaque but have not heard of the ashes being buried in public parks, so just to be sure they would like to see more information about this and also check with the solicitor about that part.
2. Gary Christman – Mr. Christman said he lives at 5869 Clarkson Dr., and he is asking Council to reconsider granting him an exemption of 8-10 feet of his driveway to not carry on the sidewalk. He explained that this was his first time ever going through permitting and found it to be difficult, so he ended up having to hire someone to help him. He said although it does state on the paperwork, permit is to remove existing driveway and add paved driveway on the other side of property with sidewalk, he said he missed this and thought that his contractor would handle all of this. He had a contractor and then a subcontractor who did the paving. Mr. Christman said the work has already been done and he is located on the border of the borough and the end of his property connects to the next municipality, and they do not have sidewalks. Mr. Christman's father-in-law was in attendance and asked Council to consider granting his waiver because he has already done so much to improve the property and pointed out that filling out the stormwater paperwork added to the confusion of this project. Michael Bingham, Borough Engineer/Zoning Officer, said that he does understand the viewpoint that he is the last property at the end of the Borough and does provide that stop gap, but it is up to Council if they want to accept this. Mr. Bingham said the permit does state that the sidewalk was to be installed and the Borough must be contacted 48 hours prior to pouring concrete. Mr. Bingham explained that the complexity of the permit was because a minor stormwater permit was needed as required under Act 167 and our MS4 program. It was pointed out that the drawing

submitted with the application showed the sidewalk would be installed, but the contractor/subcontractor did not do it according to the paperwork. Council pointed out that the contractor and subcontractor did not do their job properly, and although they understand this is not necessarily his fault, but to make exemptions for him would mean they would have to make them for everybody. Mr. Bingham did write a letter to the property owner, and this could be shown to the contractor. Council said they feel Mr. Christman has done his part, but the contractor did not follow the permit. Council said it is difficult to make exemptions for one person without having to do it for everyone. Council suggested Mr. Christman talk to his contractor about sharing some responsibility for this and that although there was some confusion with filling out the stormwater permit paperwork for them, the permit clearly stated what needed to be done. Council said they would love to be able to say ok and grant the waiver, but it is not fair to everyone else. Mr. Christman asked what the timeline is to complete this work. Council said they could give him a fair window of time for this and pointed out that the asphalt will not be available much longer because of the cold weather coming and said they could give him until June to complete the work. Council did a roll call vote: John Schick – No to exemption, John Herr – Yes to exemption, Randy Rannels – No to exemption, Deb Miller – No to exemption, John Wolf – No to exemption, Adam Gochnauer – No to exemption, Lauren Houck – No to exemption

3. Dennis Moran – Mr. Moran said they moved into the borough in 1983 and needed a driveway since then but did not have the funds until now to make the improvement. He originally did not plan on replacing the sidewalk, but it had sunk over the years, and he decided to make this change to make it safer. The sidewalk was prepped on 11/11 and poured 11/12 and was installed to code. Mr. Moran explained he received a letter from the borough stating he needed a permit for this work. Mr. Moran then met with the zoning officer and filled out the permit / stormwater exemption forms required and has since received his permits. The problem is that the inspection that is required prior to pouring was not done. Mr. Moran explained that they went well above code by putting in 6 inches of concrete (only 4 inches is required for code), and they put in rebar instead of wire mesh and they made sure the PSI was 4000 PSI, so they are well above what is required. Mr. Moran said he has a video that shows all the prep before and that they used 2 x 6 forms that shows depth, and he has the stone sheet from the concrete company that shows that they used 4000 PSI and Lloyd (the contractor) provided him with the spec sheets for the rebar and he tied the base of the driveway to the sidewalk to make it stronger. Lloyd, the contractor, said the existing sidewalk was at a 5% slope and they put it down to a 2% slope and stated it was all done to code. Mr. Moran said his permit fee was doubled because he did not get the permit prior to the work being done. Mr. Moran said that he has met the requirements, but Mr. Bingham was not there to inspect it prior to pouring. Mr. Moran said they are here to appeal to Council and ask to not have to tear up his sidewalk and feel that this would be a waste of time and materials. He feels he gave enough to prove he is over and above what is required and would like to use the money to continue to improve his property. Mr. Bingham told the contractor that any new, existing or replacement impervious throughout Lancaster County is required to get stormwater permits as a minimum, even if it is replacement. Mr. Bingham said he does believe what was installed meets our ordinance, but he cannot verify it. Mr. Bingham said he did not see anything of serious concern. His initial concern was ADA compliance where it goes up from the driveway to the sidewalk, but there was no work done to that transition that would have triggered the need to bring it into ADA compliance because the sidewalk itself outside of the driveway apron was not changed. From a legal standpoint he feels comfortable with what is there for ADA. If Council approves this exemption, he would still like to see tool joints, or saw cut joints for contraction at every five intervals, so during cold weather you don't get cracks from the expansion. The driveway is not a public improvement, so it does not have to meet ADA requirements. Council asked if everything he is providing is true and if the material this person used is correct, and if Mr. Bingham had seen what is being shown in this packet would it all be ok. Mr. Bingham said yes, and he feels comfortable with what he is providing, but he had to bring it to Council's attention. The contractor said almost all their work is commercial, so they are not familiar with the permitting requirements for residential. Council unanimously agreed they were ok with the information provided and as long as he puts in the five interval joints, they are ok with it.
4. James Swarr – Mr. Swarr said in February of 2019 he attended his first council meeting as a representative of the social media community in East Petersburg. People were angry over something, and he jumped on the band wagon, but to his surprise he was the only one that showed up when everyone said let's go to a meeting. He said he did not enter the meeting that night with an open mind, but then changed his mind when Mr. Gochnauer's response to what was occurring that night was that there were mistakes made and they will do their best to admit them and correct them. Mr. Swarr said he introduced

himself to John Schick as the person who was arguing with him on social media, and Mr. Swarr said he apologized to Mr. Schick for this because he did not know what goes on at the meetings. Since that night almost three years ago, he has stayed involved in the social media forum as much as possible by attending the meetings regularly and asking the questions on his own and for others, and he has continued to encourage the community to do the same. On several occasions gratitude has been expressed by councilmembers for the few that do get involved by attending meetings and passing along accurate information to the borough residents. In the past council has encouraged people to attend and ask questions as they pertain to the community. Mr. Swarr said he is even stronger in his resolve to continue with what started as merely reporting meeting notes on Facebook that has evolved to uncovering rogue elected officials and a council that allows it, and questionable business dealing by and within the council. Studies of multiple areas of borough interests with little to no follow ups and private discussions to elude an entity that promotes facts or transparency good or bad as representatives of the tax paying citizens. Mr. Swarr said he will continue to attend meetings, record and report meetings in an uncut manner, and he will not be asked to back off for matters regarding the citizens of the borough.

**Police Report:** Report was submitted to Council.

Chief Steffen thanked Manager St. Clair and John Wolf for contributing to the agency's successes over the past year. He thanked council and the public for their input over the year.

He explained that reports are not always available because of the right to know act, so they came up with verification of reporting on their website. This is helpful for insurance claims.

On an operational level, things are going well.

East Petersburg has stable call activity.

Chief Steffen said he is very grateful for his staff and said they all work well as a team.

Submitted grant for technology that will include virtual training. He anticipates receiving this grant.

He is involved with a lot of committees and was recently at the state capital to discuss radar legislation and pointed out we are the only state in the country where police do not run radar. He pointed out that the concern was raised about fees for ticketing and his argument is, if that is the concern than the fees should be lowered. He explained radar is a tool that is helpful to be more engaging to achieve compliance. If the Bill is passed, municipalities will need to pass a resolution to give the municipalities control over the concerns.

Josh Roberts said there was an incident at a local bus stop a few weeks ago and he saw parents and police there. Chief Steffen said this situation was resolved and they have identified the person responsible and said it was non-criminal. Chief Steffen also said that they are limited to what they can say.

John Wolf thanked Chief Steffen and his staff for their insight and dedication to the borough. Chief Steffen said they are thankful to be here.

**Mayor Malone:**

Mayor Malone thanked residents for voting for him. He pointed out that public involvement is very important and at times part of his service has been with interventions and he encouraged everyone to stay involved.

Next month's meeting will be a Reorganizational / Council meeting and the newly and re-elected Council members will be sworn in.

**EMS:** Report submitted to Council.

Adam Marden pointed out they responded to 17 calls in the borough. The busiest day was Sunday followed by Friday and Saturday. Overall, the EMS calls have been overwhelming and they have been running non-stop with covid and everything else. Academy has finished and they will receive three new EMT's. Next academy starts January 31<sup>st</sup>. The number of people joining has been reduced now that there is an overall decrease in the amount of people entering into health care fields.

Josh Roberts asked about EMS funding and Mr. Marden explained that they are backed through Penn State health, which is a large corporation, so their funding is financially strong at this point.

**Emergency Services Coordinator:** No report given.

Diane Garber was not in attendance.

**Chief Fire Official:** Report submitted to Council.

John Kottmyer was not in attendance.

**Fire Report:** Report submitted to Council.

Chief Schoenberger invited Council for a tour of the fire company. Manager St. Clair will get some dates together.

**Manager's Report:** Report submitted to Council.

Manager St. Clair pointed out the borough received notice from Pennsylvania Rural Water Association, that the Borough will be receiving the 2021 source water protection system of the year award. This award relates to pollution prevention measures for drinking water. The award will be presented on December 14, 2021. Manager St. Clair is projecting there will be a surplus of funds in the water operating fund and in addition to the 120,000.00 amount that was approved for transfer in the 2021 budget, she would like to transfer additional funds from water operating to water reserve by resolution, and at the January 3, 2022, council meeting she will ratify the amount.

MS4 inspection was conducted on December 16, 2021, and it went better than expected. There were no findings. On December 18, 2021, there was an audit for 2019 and 2020 liquid fuel funds, and everything was in order, and there were not findings.

**Foreman's Report:** Report submitted to Council.

Jeff Moseman pointed out the following:

DEP did an inspection on the MS4 program in the Borough. It lasted 2-3 hours in the office going over reports and then 2-3 hours inspecting outfalls and BMP's. There were no violations noted and only 4-5 highlighted recommendations.

Repaired circular crack on main break.

Sealed off leakage at spring.

December 20<sup>th</sup> controller will be installed at State and Main St. intersection.

New 2021 truck -- crane cover ordered and spotlights for back

MS4 violations- soil put along driveway on Broad & Hollow was running off into the street during rainstorms.

Owner was contacted to secure soil. Also, on Broad someone was piling leaves at curb. Owner was contacted.

Both property owners have since complied.

Stronger stones by sign shop for MS4 inspection to hinder kids playing with them.

Mowed up goose grass near constitution square to possibly put more trees up and open up an outfall.

Councilmember Rannels asked if Gladfelter was notified of road work being done prior to doing the work. Mr.

Moseman said no because it was anticipated that the hole was near the sidewalk, but it was found to be further out in the street, so they elected to replace the entire main over to the curb box.

**Zoning Officer Report:** Reports submitted to Council.

Michael Bingham pointed out that 6111 Lemon Street has been condemned this week. There is still one door that needs boarded up and the owner has been notified, and this will be taken care of. The owner will have some time to decide if he wants to demo or rebuild. The owner will need to bring property to code, or the borough will take further action. Utilities will need disconnected. The property is not safe to enter at this point. It was decided to leave the water meter in place until it is safe.

**Property Violations:** Report submitted to Council.

**Solicitor/Collections Report:** Report submitted to Council.

Worked on: amending snow emergency ordinance, resolution for interfund transfer, resolution for TSMA agreement.

Broad St. property has been sold and all legal and property maintenance fees related to the lien have been paid in full.

Graystone Road judgement remains in place, but yesterday there was a new violation, and he has been notified.

Lemon St. property has been sold. Jeanette Drive property currently compliant, and final bill will go out this week. Properties that have liens that are unpaid will remain on report.

**HARC:** (Hempfield Area Recreation Commission) – Debra Miller – HARC

HARC signed new agreement with West Hempfield Township to maintain their parks. Disc golf baskets are back ordered but hope to receive them before winter.

There are currently two promotions running for new member enrollment on the HARC website. Best deal runs through January 7<sup>th</sup>.

Financial statement came through and the actual net income collected in 2021 was 48,973.00.

**HAFSC:** Adam Gochnauer reported that as of the last HAFSC meeting it was voted on and essentially the fire commission died until further discussions could be held with East Hempfield about the standoff in funding. At the

special meeting held with them here, there was an obvious disconnect and there was a problem going forward. There was need to address the situation that the commission had one year to deal with this, and it wasn't getting done. There were issues and even politics involved, so it was discussed and is in the minutes that we needed to have some kind of meeting with the executives at East Hempfield to start a process because it wasn't getting done any other way. Mr. Gochnauer continued to explain that Council authorized Manager St. Clair to make the call to Cindy at East Hempfield to get a meeting set up which eventually did happen after push back and delays, but Council insisted on it, and they got the meeting. Mr. Gochnauer attended the meeting along with Randy Rannels and two representatives from E.H. Township with no managers present. Here were only four people in total, and a lot was accomplished. Mr. Gochnauer made it clear to them that they need to come up with solutions and a financial agreement or the commission will go away. Mr. Gochnauer presented agreements and a proposal to them, and they all discussed it. It was a good, productive meeting and he thinks they understand where East Petersburg is coming from. East Hempfield representatives are going to present the numbers to East Hempfield and get back to Manager St. Clair. As of now, the ball is in their court. They left the meeting satisfied with what they heard, and he is optimistic they can get something in place. His proposal is a long-term plan, so this won't happen again for a long time. Mr. Rannels said the first ten minutes was very uncomfortable and at one point Mr. Wigglesworth asked Mr. Russell if they should continue the meeting, but Mr. Russell did want to hear what they had to say and after that he realized how much they did not understand what EPB was trying to present to them over the last four months, and the meeting became very productive.

Josh Roberts questioned how EH Twp. could not know what they have been talking about and said they are a bad business partner. Mr. Rannels said if they did not try to fix this then the commission falls apart and they wanted to make the effort to make this work. Mr. Roberts said the problem is that EPB is the only one trying to make it work. Mr. Rannels said if it falls apart it is EH fault and EPB will make every effort to make this work. Mr. Roberts said last month Adam Gochnauer praised Council for running the town like a business because we had a really good budget process. Mr. Roberts said if you're going to run it like a business, then you need to run it like a business for everything. We have been dealing with EH and a lot of comments were made in distrust. Mr. Roberts said because of the level of distrust, he feels the meeting they had should have been held in public. Mr. Roberts said citizens, including him have asked for the meeting to be done in public. Mr. Roberts then said there is a lot of distrust mainly coming from EPB not trusting EH because they have not been transparent and have lied all through the process to hire a chief and they come in here threatening us when they want more money than what we should be paying for a fire truck, and we found out they still owe us more money for the chief's benefit's that they are tabling, and they are not a good business partner. Mr. Roberts pointed out that council has already said that there are red flags with this whole deal and council has had some issues with them meeting in a non-transparent manor and then they kind of forced your hand in what looks to him like skirting the Sunshine Act. Mr. Roberts feels they forced this two on two, but he feels EPB can not act the same way EH has. Mr. Roberts said that the residents already pay a fire tax, and this will be coming out of their wallets, so he feels that they have every right to question a budget. He feels they have treated the citizen representative wrongly because every time Ms. Moseman asks something she is getting dismissed. He said they have watched Tammy Moseman be dismissed by the Council president and Mr. Wigglesworth. He said that he hopes that the fire company can prosper and have a good agreement, but they can't do this without including the residents that will pay for this. He also pointed out that if Mr. Wigglesworth is the common denominator, then maybe it needs to change leadership and maybe that's what they need to push for. John Schick said there are many times they have meetings with PennDOT or other entities, and this is not skirting the Sunshine Law. John Schick explained there are a lot of meetings when decisions are not made, and it is brought back to council at the committee meeting or council meeting. Mr. Roberts asked why a councilmember would ask for a recording device? Mr. Rannels said he was passing along what East Hempfield asked. Councilmember Wolf thanked them for their comments. Adam Gochnauer said that he is not a politician, and he is blunt about things. He also said he is handling this like a business because when you do negotiations and you involve a bunch of people, it gets political, and nothing gets done. Mr. Gochnauer said he has done many successful contracts for this borough including with the fire company, HARC and the pool, NLCRPD, and the reason they are successful is because he does them like a business. Mr. Gochnauer said he was called out at the meeting about his personal views, but if the fire co. is behind him then he will continue to fight for them. He gave them a sheet with all the line items and said this is how you pay for them, and it seemed to him that they understood things and they got it by the end of the meeting. He said if he gets the deal, it is the best deal for the fire co., borough, and the residents. Mr. Gochnauer said when this gets to the point that we have a contract in hand, then it will be brought to a public meeting, and we will go over it. The commission had a year to do this, and it didn't get done and he got done more in 45 minutes than they got done in a year. He has a whole report of what this agreement will do for us. He asked them to give him the courtesy and consideration and trust that he can get this done, and if they try to screw us, he will be the first to

say it. He has spent many hours on this and plans on sticking with this until the deal gets done and it will be an addendum to the first agreement, and it will have enforcement. He said at the end of the meeting they all shook hands, and he truly believes that they got what he was saying, and they seemed interested. He pointed out that Mr. Russel is the finance guy over there and he said he wanted to check the numbers out. He feels Mr. Russel

got it, but it will have to go to the rest of them and we can only hope it doesn't get political. Mr. Gochnauer said that if he gets this done, they will not ask the residents for more.

**Old Business:** No committee meeting in November.

**New Business:**

1. *It was moved and seconded (Councilmember Gochnauer, Councilmember Miller) and carried with a 6-1 approval to approve the special meeting minutes for October 21, 2021, Councilmember Herr abstained because he did not attend that meeting.*
2. *It was moved and seconded (Councilmember Gochnauer, Councilmember Herr) and carried unanimously to approve the council meeting minutes for November 3, 2021*
3. Budget Summary:  
GENERAL FUND: No tax increase for 2022. Total tax millage 5.527 (General Tax Mill = 4.747, Fire Tax Mill = .780) 2022 Projected Budget = \$2,387,700  
Expenditures: Total Expenditures = \$2,321,350 include: Building Improvements, Special Projects, Legal Fees, Employee Wages/Taxes, Employee Insurance, Vehicle/Building Insurance, Police Services, Property Inspections, Zoning officer, Engineering Fees (Highway), Street repair/maintenance, MS4, Interfund Transfers, Grant Sharing, Pool expenses, Trees/Planting, Playground Improvements, Meadows-per MS4/PRP.  
WATER OPERATING: No water rate increase for 2022. The Borough is allocated to receive \$470,715 in ARPA funds-American Rescue Plan Act. 50% of the funds were received in July 2021 in the amount of \$235,000 with the other half projected to be released July of 2022.  
We will use the ARPA funds for any upgrades to the water plants, maintain the water tanks, DE filter replacement, Broad St generator, Spring tank liner, and any stipulations required by DEP.  
TRASH FUND: Trash increase of \$5.00/Quarter. Effective January 1, 2022, residents will pay \$64.50/quarter; \$258/year. Service contract ends December 31, 2022, with the option, after December 31, 2022 to renew contract on a yearly basis for up to two (2) one-year renewal periods. For more itemized information of the proposed 2022 budget, it will be available for public viewing during the hours of: 8am – 3pm, Monday through Friday at the borough office.  
  
*It was moved and seconded (Councilmember Miller, Councilmember Gochnauer) and carried unanimously, to approve the budget for fiscal year 2022*
4. *It was moved and seconded (Councilmember Miller, Councilmember Gochnauer) and carried unanimously to approve Ordinance 316, setting tax rate for fiscal year 2022*
5. *It was moved and seconded (Councilmember Schick, Councilmember Gochnauer) and carried unanimously to approve Resolution 822, setting trash rate for 2022*
6. *It was moved and seconded (Councilmember Gochnauer, Councilmember Rannels) and carried unanimously to approve Resolution 823, update fee sheet to include 2022 trash rate effective 1-1-2022*
7. *It was moved and seconded (Councilmember Gochnauer, Councilmember Miller) and carried unanimously to accept the letter of resignation as tax collector*
8. *It was moved and seconded (Councilmember Miller, Councilmember Gochnauer) and carried unanimously to approve Resolution 824, appointing Lancaster County Treasurer as tax collector for East Petersburg Borough*

9. *It was moved and seconded (Councilmember Gochnauer, Councilmember Schick) and carried unanimously to approve Ordinance 315, Amending Ordinance 308, to Remove "no parking" signs on south side of Linden Street*
10. *It was moved and seconded (Councilmember Gochnauer, Councilmember Miller) and carried unanimously to approve Resolution 825, to allow additional funds to be moved from water operating to water reserves. The actual amount will be ratified at January's Council meeting.*
11. *It was moved and seconded (Councilmember Miller, Councilmember Gochnauer) and carried unanimously, to approve Resolution 826, authoring Karen St. Clair to sign the TSMA Traffic Signal Maintenance Agreement on behalf of East Petersburg Borough*
12. *It was moved and seconded (Councilmember Gochnauer, Councilmember Rannels) and carried with a 6-1 approval for Change Order No. 1 from Kuharchik Construction for a Time Extension due to delays, Councilmember Schick abstained because his employer, Rettew was hired to work on this project.*

**Extra Item that came up within the last 24 hours:**

1. Kuharchik is requesting a progress payment No.1, in the amount of 76,123.80. To date 33% of the work has been completed and has passed inspection.

*It was moved and seconded (Councilmember Gochnauer, Councilmember Miller) and carried unanimously to add the application and certification for payment from Kuharchik Construction*

*It was moved and seconded (Councilmember Gochnauer, Councilmember Miller) and carried unanimously to approve the application and certification for payment to Kuharchik Construction in the amount of 76,123.80*

**Announcements:**

Borough office closed – November 24, 27 & 30

New Year's Eve in the Park has been cancelled this year.

The next Borough Council meeting will be held on Monday, January 3, 2022.

Adam Gochnauer thanked John Wolf for his 12-years of service and all that he has done for the borough, Councilmembers concurred. John Wolf said he has always considered it a privilege to have been given the opportunity to give back and serve the community and he is confident that with Manager St. Clair's guidance and insight, along with Council's wisdom that the borough will continue to prosper and be a great place to live.

**Adjournment:** 9:23 p.m.

**Executive Session for legal & personnel matters:** In: 9:28 p.m. Out: 9:46 p.m.

Respectfully Submitted,  
Kim Strayer, Recording Secretary