

Palmyra Borough Council Meeting
Tuesday, May 9, 2017
7:00 PM

Borough Council President Mark Smith called the meeting to order at 7:00 PM in Council Chambers of the Palmyra Municipal Center, located at 325 S. Railroad St. Other Council members in attendance included Beth Shearer, Brian Craig, Carissa Mellinger, Jane Quairoli, Joe Templin and Ralph Watts. Also in attendance were Mayor Fred Carpenter, Police Chief Stan Jasinski, Borough Manager Roger Powl, and Assistant Borough Manager Brenda Pera.

Special Visitors

a. Special Awards Presentations:

- President Smith presented a Certificate to the Palmyra High School Ice Hockey Team for winning the CPIHL Bear's Cup for the second consecutive year.
- Brian Craig, on behalf of Congressman Dent, presented a Certificate for the same.
- Mayor Carpenter presented his Mayor's Community Service Award to Jenny Horstick as the Founding member of the Palmyra Garden Club.
- Mayor Carpenter presented a Certificate to Amy Shaffer-Duong for her support of the Palmyra Library STEAM class.

b. Don Shope, Encounter Church, was present to brief Council on the latest status of contributing to the costs of resurfacing the Heritage Park Basketball Court. He indicated that he received approval from the Church to proceed, but in the meantime, he contacted the Kiwanis Club to assist with the costs and he is waiting to hear back from them to see if they can cover 50% of the cost. He mentioned that if Kiwanis can cover 50% of the resurfacing cost then, the Church may try to replace the roof on the park pavilion. He explained that the church is trying to find projects where labor is needed and supplies provided. Ms. Pera suggested helping folks who may be unable to perform property maintenance tasks such as mowing, trimming shrubbery, shoveling snow from sidewalks during the winter, etc. Mayor Carpenter suggested hosting a carnival, and Councilor Quairoli suggested hosting a "Jubilee Day," to raise money to help folks in need solve property maintenance issues. Councilor Templin explained that if such a community group develops, Lowes and Home Depot will provide support.

Public Comments

- Greg Reed, 233 E. Hazel St., complained about the unsightliness of Fireman's Park.
- Maddie Reed, 233 E. Hazel St., inquired if the new Codes Officer is planning to be pro-active with property maintenance issues or will she still be handling complaints only.
- Jael Wolf, 301 E. Cherry St., questioned a sinkhole in front of 236 E. Cherry Street. She also questioned the Chief regarding trucks parking in South Ave while making deliveries to Babe's.

Consent Calendar

The following agenda items were acted upon by a single motion:

- a. Approve the minutes of the April 25, 2017 Borough Council meeting.
- b. Approve payment of all bills listed on the April 2017 Bill's List.

*Motion: To approve the consent calendar. Motion by Mark Smith, second by Ralph Watts.
Motion passed.*

Action & Discussion Items

a. Palmyra Borough Final Land Development Plan – Public Works Garage Building:

1. *Motion: To approve the following waivers requested from the Palmyra Subdivision & Land Development Ordinance (SALDO):*
 - *Section 318-10.A(3) – Preliminary land plan required when a land development proposes (10) or more parking spaces, or the addition of an accessory building with greater than 600sq' of floor area. Motion by Ralph Watts, second by Brian Craig. Motion passed by a 6-1 vote with Jane Quairoli voting against the motion.*

2. *Motion: To grant approval of the Palmyra Borough Public Works Garage Final Land Development Plan. Motion by Ralph Watts, second by Mark Smith. Motion passed by a 6-1 vote with Jane Quairolì voting against the motion.*

b. N. Duke St. & E. Arch Street - Public Dedication Agreement:

Motion: To authorize the President of Council and the Borough Secretary to execute the agreement between Cedar-Palmyra, LLC and the Borough relating to the dedication of and future acceptance of segments of Duke Street and Arch Street abutting the Palmyra Shopping Center, which have not previously been accepted by the Borough in the form presented at this meeting. Motion by Jane Quairolì, second by Ralph Watts. Motion passed.

c. Resolution 2017-15 – Palmyra Borough Fee Resolution:

Motion: To approve Resolution #2017-15, a resolution establishing fees for various Borough services, permits, inspections, licensing, subdivision & land development plans, and stormwater management plans. Motion by Jane Quairolì, second by Beth Shearer. Motion passed.

Reports

a. President's Report: President Smith did not have a report.

b. Financial Report:

1. Financial Statement: Mr. Powl provided the April 2017 report.
2. Delinquent Sewer & Refuse Account Report: Ms. Pera provided a copy of the April report. She also presented another list of delinquent properties for Writs of Scire Facias.

Motion: To authorize the Borough Solicitor to pursue Writs of Scire Facias to commence foreclosure proceedings against the following properties:

- *Keith Youtz, 246 North Lincoln Street for a delinquent balance of \$6,443.73*
- *Harry Gricks, 115 North Lincoln Street for a delinquent balance of \$3,960.08*
- *Matthew & Tiffany Rettew, 40 North Prince Street for a delinquent balance of \$3,761.13*
- *James P. Lasher, 420 South Lincoln Street for a delinquent balance of \$3,566.86*
- *Shawn Saaler/Taren Andrews, 513 North Lincoln Street for a delinquent balance of \$3,471.29*
- *Michele Bell, 650 North Chestnut Street for a delinquent balance of \$3,166.21*
- *Jason Henning/Christine Zook, 34 North Green Street for a delinquent balance of \$2,910.93.*

Motion by Jane Quairolì, second by Beth Shearer. Motion passed.

c. Fire Department:

1. New Firehouse Update: Chief Dugan reported that the concrete ramp has been re-poured and is finished and curing. The contractor plans to install the sidewalk on Monday, May 15th. He also reported that the final walk through is scheduled for May 22nd.
2. Chief Dugan reported that several members of the Fire Department received individual awards from the Lebanon County Fireman's Association, and, the Fire Department is receiving a fire prevention award.
3. Chief Dugan also reported that the property at 24 N. Locust Street owned by the Fire Department is in the process of being sold.

d. Police Department:

1. Civil Service Test – Mayor Carpenter stated that a new list is needed due to the potential of losing an officer in the Fall to the PA State Police Academy. A question of whether the testing should remain with the Police Department or handled by administration was raised. Council agreed that the testing should remain in the Police Department.

e. Planning Commission - Subdivision & Land Development Plans: The Commission did not meet in April.

f. Public Works Department: Borough Manager Powl

1. Superintendent's Monthly Report: Mr. Powl provided a copy of the April report.
2. Borough Properties: (Municipal Building, Public Works Garage, former Wastewater Treatment Plant)
 - a. New Public Works Garage Building: Mr. Powl reported that bids for the project are due May 18th at 2:00 PM.
 - b. Fuel System Management Upgrade Project – Installation of the new fuel dispensing control system for the above-ground fuel tank, located at 910 E. Broad St, will be done by the Public Works Crew. Fuel-Force will reduce our invoice by \$2,000 for the labor and the warranty will still be valid.
3. Parks: (Heritage Park, Palmyra Memorial (Fireman's) Park, and Southeast Park)
 - a. DCNR Grant - Fireman's Park Project Update: Ms. Pera reported that the proposal for propane was signed, but before installation can begin, the Public Works crew needs to prepare the site for the new tank.
 - b. Palmyra Civic Baseball Agreement – Southeast Park: Mr. Powl provided a copy of a Memorandum of Understanding (MOU) from the Baseball Association (PCBA) for use of Southeast Park and Fireman's Park baseball fields. Ms. Pera reminded Council that the field at Fireman's Park is intended for use as a softball field. Council discussed the MOU and expressed concern that Southeast Park is a stormwater facility that happens to have two baseball fields on it and Fireman's Park is not finished yet. They agreed that they are not looking to schedule their fields exclusively to any organization, and take the opportunity to use the fields away from the residents. Council agreed to table the request.
 - c. Mr. Powl also informed Council that he received a request to use Southeast Park for a volleyball league on Thursday evenings. Mr. Powl stated that he spoke with Rec Director Tina King and she indicated that this is a conflict with her volleyball program. Council asked Mr. Powl to kick the request to Tina and allow her to open a conversation with the individual that made the request.
4. Refuse & Recycling:
 - a. Mr. Powl reported that the truck cameras are now 100% operational.
 - b. DEP 902 Grant (New Leaf Vacuum Truck): Mr. Powl reported that \$150,979.30 has been approved by DEP and the Borough should receive the funds in 4-6 weeks.
5. Sewer System:
 - a. Property Transfer Sewer Lateral Inspection Ordinance? Mr. Powl provided a copy of an ordinance from Norristown Borough requiring properties that are for sale to have the sewer lateral connection to the main sewer line video inspected to determine if the condition of the lateral pipe warrants replacement. The idea behind requiring an inspection at the time of sale is to encourage new and current homeowners to replace sewer laterals when it can be negotiated into a sales contract, which makes it easier to manage the costs of the replacement. Also, with damaged and leaking laterals being replaced, the ordinance helps control the infiltration problem of rainwater into the sewer system, and would prevent formation of

sinkholes by eliminating water infiltration into the ground. Council considered this idea and agreed that this is not something they wish to consider for Palmyra because they felt it was too much government interference into the private sale of a property.

6. Sinkholes:

- a. 300 Block E. Cherry St / 100 Block S. Grant St: Dr. Seaton was onsite at E. Cherry Street and S. Grant Street to investigate if a sinkhole is opening at 236 E. Cherry Street. He was unable to find any sinkhole, but did see some settling of the area.
- b. Shellbark Alley Drain/Well: (to the rear of 138 N. Chestnut St) – there is no more drilling to be done in this area. Engineers will design a pipe and inlet system to capture run-off and discharge into the new wells. The new system will be installed by the Public Works crew.

7. Stormwater Management:

- a. Phase A Stormwater Management System: (north of railroad tracks - west of N. Grant St.) President Smith and Councilors Shearer and Quairolì met with the School Board President to discuss a possible agreement for the Ridge Road Park wetlands area. Mr. Powl reported that the Solicitor reached out to the School Board Solicitor on Friday, May 5 and learned that their Solicitor did not know about any new discussions on this issue. He told the Solicitor that he believes the easiest resolution is for the School District to give the Borough an easement over the property needed for the wetlands. That would eliminate the need to get court approval for the transaction since School Districts need to have all land transactions approved by the court.

Mr. Powl also reported that he prepared a letter to DEP requesting an extension for the grant until June 2018. He inquired if the School District would sign the DEP Landowner Agreement Form as a show of support to extend the grant but, he was informed by the School District Business Manager that they would not comply with that request at this time.

Mr. Powl reported that the low bid contractor agreed to extend his price until the end of September.

Motion: To accept an extension of time until September 30, 2017 offered by the low bid contractor (Ankiewicz Enterprises, Inc. /dba Grand Prix Excavating, Tamaqua, PA) for the awarding of the contractor to the low bidder. Motion by Jane Quairolì, second by Mark Smith. Motion passed.

Mr. Powl asked Council how much more they want to complete with the project pending approval of the extension. The Borough Engineer still needs to work on the PennDot Highway Occupancy Permits (HOP's) for N. Railroad Street, and utility re-routing design plans. Does Council want to have the Engineer continue with these tasks so that the project is ready for construction start as soon as the DEP grant extension decision is made. The risk is that the grant extension request could be denied and the money paid to the Borough Engineer for this work would be wasted. Council decided to wait until the May 23rd meeting with the hopes that more would be known then.

- b. Injection Well #1 (Spruce & Chestnut Street) Relocation Project Status Update: Mr. Powl reported that the two new wells that were drilled did not produce any capacity to take water. Staff needs to revisit the plan at the park with Dr. Seaton to decide on how to move forward with the stormwater project.
- c. DEP Municipal Separate Storm Sewer Systems (MS4) Permit Waiver Status: Mr. Powl informed Council that he received a letter advising the Borough that it must apply for an MS4 Stormwater Permit in September. Mr. Powl stated that the Borough Engineer was preparing the minimum requirements for the permit application since the Borough is requesting a waiver of the MS4 Permit.

8. Street & Alley Maintenance:

- a. West Oak Street Re-Paving: Mr. Powl reported that nothing has been completed on this project even though Council requested additional letters be sent to the residents. There has not been any time for staff to devote to this project since the stormwater projects are ongoing.
- b. East Oak Street & Forge Road Vertical Realignment Project: Mr. Powl reported that PennDOT is requiring the first two trees along South Forge Road, north of E. Oak Street, to be removed to improve sight distance to obtain approval of the H.O.P. application. Mr. Powl asked the Borough Engineer to review the plan and determine if the project can be completed without needing an H.O.P.

9. Mr. Powl asked Council if they would like to approve the proposal to resurface the basketball court at Heritage Park now or if they would like to wait until more information is obtained by Mr. Shope from the Encounter Church.

Motion: To approve the agreement with Brenneman Co. to repair the basketball court at Heritage Park and transfer funds in the amount of \$5,500 from General Fund line item 01.401.117 to the Parks line item 01.454.371 to be reimbursed by the Encounter Church of Palmyra. Motion by Jane Quairolì, second by Mark Smith. Motion passed.

10. Mr. Powl reported that Mr. Yordy had his engineer submit information regarding a stormwater plan for his properties at S. Lingle Avenue. His engineer determined that amount of impervious surface coverage of the homes that existed before the road improvement project was constructed was more than the proposed new coverage of the lots, therefore, the Borough Engineer confirmed that no stormwater reports or plans are necessary.

g. Solicitor's Report: Solicitor Cleary

1. Mr. Powl reported that arguments will be heard by the Commonwealth Court for the Property Maintenance Appeal for Ray Brandt, 46 W. Main Street. The hearing will be Monday, June 5th at 1:00 PM, Courtroom #3002, PA Judicial Center, 601 Commonwealth Ave, Harrisburg, PA.
2. Mr. Powl advised Council that Judge Garver awarded the Borough a judgment in the amount of \$14,355.64 against Deann Silks of 27 N. Harrison Street. The next step is to petition the Lebanon County Court of Common Pleas for an injunction to stop using the generator Injunction.

Motion: To authorize the Borough Solicitor, to proceed with an action at law, and in equity, in Lebanon County Court against the owner of 27 North Harrison Street seeking an order directing the owner to come into compliance with the Borough's Zoning Ordinance and cease operation of a generator on the property as the primary source of electricity to the property. Motion by Jane Quairolì, second by Mark Smith. Motion passed.

h. Zoning & Codes Enforcement:

1. Zoning Officer/Codes Enforcement Officer Report: Mr. Powl commented that Ed Wenger was on vacation and there is no report from Light-Heigel.
2. Zoning Hearing Board: No Hearings are scheduled for May 15th.
3. New Zoning Officer/Codes Enforcement Officer Michelle Bowman started Tuesday May 2nd.

i. Borough Manager's Report:

1. ShadowStone Zoning Map Amendment Request – Mixed Use to Manufactured Housing Park:
Mr. Powl reported that this item will be on the agenda for the May 23rd meeting. A public hearing will be necessary.

Other Business

There was no other business.

Announcement

President Smith announced that Borough Council will conduct a public meeting on Tuesday, May 23, 2017 and on Tuesday, June 13, 2017 beginning at 7:00 p.m.

Motion to Adjourn

Motion to adjourn by Jane Quairoli, second by Beth Shearer. The meeting adjourned at 8:45 PM.

Respectfully submitted,

Roger E. Powl
Borough Manager