

Palmyra Borough Council Meeting
Tuesday, June 26, 2018
7:00 PM

Borough Council President Beth Shearer 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 Don Barry, Josh Holl, Mark Smith, Jane Quairol, and Joe Templin. Also in attendance were Borough Manager Roger Powl, Assistant Borough Manager Brenda Pera, Mayor Fred Carpenter, and Chief Stan Jasinski. Carissa Mellinger was absent from the meeting.

Announcements

Borough Council President announced that Council held an executive session prior to tonight's Borough Council meeting to consult with the Borough's labor attorney on a personnel matter as permitted by the Pennsylvania Sunshine Act. Any official action resulting from discussions held during the Executive Session will occur at a future public meeting.

Special Visitors

- a. Brad Remig of PFM Financial Advisors, LLC, was present to update Council on the bond financing. He stated that they were able to secure bond insurance through MAC Assured Guaranty which will be beneficial to the bond financing as it will help obtain a lower interest rate for repayment. The cost of the bond insurance is included in the calculations for the estimated savings the bond issue will bring.

He commented that the process is on schedule and RBC Capital Markets, LLC will be selling the bonds beginning Thursday and should have a locked in rate by Thursday afternoon. He then introduced Lauren Stadel from RBC, who will be marketing the bond package to investors.

- b. Ben Ried (Bond Counsel) of Eckert Seamans, was also present to advise Borough Council that the Parameters Ordinance was prepared and properly advertised. He introduced Laura Kurtz for further explanation of the ordinance. Ms. Kurtz outlined that the ordinance allows for the issuance of a bond in the maximum amount of \$7,500,000 to be used solely for the repayment of the Borough's General Obligation Note Series of 2012 and 2015 as well as paying the costs and expenses associated with the bond issue.

Motion: To enact Ordinance #785, an ordinance authorizing and directing the issuance of general obligation debt as permitted by and pursuant to the PA Local Government Unit Debt Act to be evidenced by the Borough's General Obligation Bonds Series of 2018 in the maximum aggregate principal amount of \$7,500,000 with the proceeds being used to pay-off the outstanding principal & interest owed on the Borough's General Obligation Note Series of 2012 and 2015, and paying the costs and expenses associated with the issuance of the bonds, and authorizing all other action necessary to carry out the purpose of the ordinance. Motion by Jane Quairol, second by Joe Templin. Motion passed.

Public Hearing: Liquor License Transfer Request: Sheetz – 811 East Main Street

- a. *Motion: To open the public hearing. Motion by Jane Quairol, second by Josh Holl. Motion passed.*

1. Applicant presentation/testimony: Paul Namey from Flaherty & O'Hara and Roxanne Bunderman, Store Manager from the Palmyra Sheetz, were in attendance to request approval for the transfer of a liquor license from S. Lebanon Township to the Borough. Mr. Namey referred specifically to License No. R-18959 and reported that Sheetz has 69 stores that are currently selling beer and wine. The plan is to turn the existing soda cave in the store into a beer cave. There will be no other alterations to the store. All employees are to be trained in accordance with the law and nobody under the age of 18 will be permitted to handle alcohol transactions. There is an area in the store for onsite consumption, but Sheetz has not experienced much drinking on site in their other locations. Patrons will be allowed to drink a maximum of two drinks on site.

Council asked several questions concerning the sale of alcohol at the Sheetz store.

2. Council President Shearer opened the floor for public testimony concerning the liquor license transfer request.

- Bill Zeiders, 333 E. Main Street, commented that the Beer Cove and Gary’s Bar have more of an incentive to sell alcohol because they have to make their rent each month, and do not have other items to sell like Sheetz offers. He supports the application for the license transfer.

b. *Motion: To close the public hearing. Motion by Jane Quairoli, second by Josh Holl. Motion passed.*

Motion: To adopt Resolution #2018-22, approving the request of Sheetz, Inc. for an intermunicipal transfer of a liquor license in the form presented at this meeting. Motion by Jane Quairoli, second by Josh Holl. Motion passed by a 4-2 vote with Councilors Shearer and Templin voting against the motion.

Public Comment Period #1

- Lorna Olinger, 430 W. Cherry Street, expressed concern about residents of Main Street parking a recreational vehicle in front of her property on W. Cherry Street.
- Bill Zeiders, 333 E. Main Street, expressed concerns about the following:
 - People lighting fireworks haphazardly, and too late at night in the Borough.
 - Explained that wood chips at Memorial Park should not be used as mulch.
 - A car was double parked on N. Harrison Street for over an hour, and Police failed to respond.
 - A Palmyra Police officer was parked at Philadelphia Mixers for a long length of time.

Consent Calendar

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

- a. Approve the minutes of the June 12, 2018 Borough Council meeting.
- b. Approve the Treasurer’s Report for the period May 1 through May 31, 2018:

	General Fund	Sewer Fund	Refuse Fund	Capital Reserve Fund	Special Sewer Fund	Liquid Fuels Fund
YTD Revenue	\$2,362,595	\$782,656	\$426,732	\$226,636	\$2,958	\$227,304
YTD Expenses	\$1,535,492	\$384,582	\$306,966	\$142,330	\$52,994	\$2,987
Difference	\$827,103	\$398,075	\$119,766	\$84,306	\$(50,035)	\$224,317
Fund Balance	\$2,664,199	\$657,929	\$387,530	\$1,160,923	\$2,240,108	\$751,632

	Library Fund	Police Health Care Fund	Town Square Reserve Fund	Joint Fire Apparatus Fund	Cemetery Fund	Employee Benefits Fund
YTD Revenue	\$26,517	\$38,497	\$7	\$477	\$60	\$107,029
YTD Expenses	\$4,500	\$10,656	\$45	\$0	\$0	\$78,112
Difference	\$22,017	\$27,841	\$(38)	\$477	\$60	\$28,917
Fund Balance	\$23,610	\$217,403	\$4,708	\$324,255	\$41,113	\$28,917

Motion: To approve the consent calendar. Motion by Jane Quairolì, second by Mark Smith. Motion passed.

Action & Discussion Items

a. Road Closure Request – Church of the Holy Spirit Summer Parish Festival:

Motion: To authorize the closure of West Pine Street between Mazzocca Way and South Mark Street on Saturday August 11th from 3:00 p.m. – 11:00 p.m., and on Sunday August 12th from 10:00 a.m. – 6:00 p.m. for the Church of the Holy Spirit to conduct a “Parish Summer Festival.” Motion by Jane Quairolì, second by Mark Smith. Motion passed.

b. Resolution #2018-23 – Appoint Member to Greater Lebanon Refuse Authority Board:

Motion: To approve Resolution #2018-23, appointing Eric D. Adams as a member of the Greater Lebanon Refuse Authority, who shall finish the term vacated by Brian C. Craig, expiring December 31, 2019. Motion by Mark Smith, second by Jane Quairolì. Motion passed.

c. Road Closure Request – Palmyra United Christian Church – Bible School Kick-Off Night:

Motion: To authorize the closure of Division St from N. Railroad St to N. Chestnut St, and Hamilton Alley between E. Broad St and E. Arch St on Saturday July 14th from 4:00 PM - 8:00 PM for the Palmyra United Christian Church to host their Vacation Bible School Kick-Off Night. Motion by Jane Quairolì, second by Don Barry. Motion passed.

c. Yardwaste Collection Schedule & Containers / Public Works Department Staffing: Mr. Powl brought a yard waste can to the meeting to show that the 25-gallon can was easy for the Public Works Crew to grab and empty. A smaller 20-gallon can is available and is 6.5” shorter in height that would require staff to repetitively stoop over to empty. Council agreed that no changes were necessary to the yard waste can. There was no further discussion on the Public Works staffing level.

d. Amend Chapter 350 (Vehicles & Traffic) Section 32 (Parking of Commercial Vehicles, boats, recreational vehicles, and trailers). Mr. Powl reported that the current ordinance lists the names of every street, which requires the posting of signs on each of these streets to enforce. The Borough Solicitor suggested amending the ordinance to remove the street listing and proclaim a borough-wide prohibition in the new ordinance. This would allow signs to be installed at appropriate places throughout the Borough, however, the Solicitor cautioned that there is a court case which prohibits the Borough from just posting signs at the entrance to the Borough because, the court ruled that to be inadequate signage to inform the public. The Solicitor recommended asking the Police Chief for what he feels would be an adequate level of signage. Chief Jasinski stated that he is more concerned with how the Magisterial District Judge will look at the ordinance and uphold the law.

Mr. Powl did advised Council that the definition for commercial vehicle will need to be added to the ordinance since it is not currently defined. He commented that the Solicitor could prepare a draft ordinance for review at the next public meeting.

Motion: To authorize the Borough Solicitor to prepare a draft ordinance for the purpose of no commercial vehicle parking within the Borough. Motion by Jane Quairolì, second by Josh Holl. Motion passed.

Reports

a. President’s Report: President Shearer did not have a report.

b. Library Report: Councilor Quairolì provided a copy of the June 2018 report.

c. Police Department: Mayor Carpenter expressed his concern for the number of fireworks being set off within the Borough. The new law (Act 43 of 2017) changes the types of “consumer fireworks” that can be used and the Borough cannot supersede the Pennsylvania law. Mr. Powl explained that the Solicitor feels the law does allow municipalities to establish what times fireworks can be used. He

also explained that the Police Department can enforce the provisions of Section 2404 of the law that prohibits setting off fireworks in a public right of way, throwing them from a vehicle or at a vehicle, and setting them off within 150-feet of a structure.

- d. Solicitor's Report: There was no report.
- e. Zoning Hearing Board: Mr. Powl shared the results of Zoning Hearings conducted on Monday June 18th:
 1. 103 N. College Street (Jubilee Ministries):
 - Approved: Special Exception – Section 380-38(I)(4)(a) – Alternative off-street parking standards. The applicant must maintain 29-parking spaces.
 2. 520 E. Ridge Road (Salli Properties, LLC/Valley Animal Hospital):
 - Approved: Variance – Section 380- Attachment 1- Table 380-14G – reduce existing non-conforming 18-foot rear yard setback to 12-feet (30-feet required).
 - Approved: Special Exception – Section 380-127 – expansion of a non-conforming use. Bee hives & chicken coops allowed to remain.
 - Approved: Appeal of Zoning Officer's interpretation of Section 380-13 (Definitions) as a veterinarian's office versus the applicants desired classification of animal hospital. Use determined to be an animal hospital.
- f. Borough Manager's Report:
 1. 300 Block E. Cherry St / 100 Block S. Grant St Stormwater & Road Restoration Project: Mr. Powl had little to report as the contractor has not been on-site and is not very responsive to emails or phone messages. Council asked Mr. Powl to contact the contractor and let him know that beginning August 1, 2018 the Borough will be assessing the \$1,000 daily fine for not completing the project by the July 31st change order deadline.
 2. New Public Works Garage Building Project: Mr. Powl commented that the footers to the new building are over engineered which should guarantee that the building will be sound and last for many years.

Other Business

- Councilor Quairolì inquired about a response to the letter from Maggie Moore about a lemonade stand. Ms. Pera will draft a letter.
- Mayor Carpenter inquired about the house on East Main Street that was damaged by the tornado in 2010. Council asked for the Codes Officer to look for any violations.

Public Comment Period #2

- Bill Zeiders, 333 E Main Street, complained about the "mosquito pit" caused by the detention basin at Memorial Park, and tall weeds at 325 E. Main Street.
- Barry Shellenhamer, 228 E Cherry Street, asked where the contractor working at the Cherry St. detention basin was from.

Announcement

President Shearer announced that Borough Council will conduct a public meeting on Tuesday, July 10, 2018 and on Tuesday, July 24, 2018 beginning at 7:00 PM.

Motion to Adjourn

Motion to adjourn by Jane Quairolì, second by Josh Holl. The meeting adjourned at 8:46 PM.

Respectfully submitted,

Roger E. Powl
Borough Manager