

Palmyra Borough Council Meeting
Tuesday November 12, 2019
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, Jim Tesche, and Joe Templin. Also, in attendance Borough Manager Roger Powl, Assistant Borough Manager Brenda Pera, Mayor Fred Carpenter and Police Chief Andrew Winters. Tom Miller and Jane Quairoli were not in attendance.

Special Visitors

Borough Solicitor Josele Cleary was present to answer questions concerning regulation of short-term rentals (STR). She indicated that STR are defined as temporary rentals for transient overnight occupancy for less than 30 consecutive days. The PA Uniform Construction Code (UCC) also regulates STR under use groups. All STR require inspections to make sure they conform to the UCC requirements. She advised Council that if they want to allow STR in the Borough, Council will need to define STR in the zoning ordinance, identify zoning areas in which they will allow STR, and amend the zoning ordinance accordingly. She asked Council to consider allowing STR's in a single-family home only, or if they want to allow one or more units in an existing multi-family apartment building to be used as an STR, or one-half of a duplex to become an STR. She also pointed out that bed & breakfast uses in the Borough currently require Special Exception approval by the Zoning Hearing Board. She explained that a bed & breakfast owner is required to reside at the bed & breakfast so, if Council is already requiring this of a resident, they should also consider similar regulations for folks seeking to establish an STR that are likely non-residents. Council asked the Solicitor to provide examples of zoning ordinance regulations for STR from other municipalities.

Solicitor Cleary also stated that STR are subject to the state and county hotel tax and she does not believe that all STR platforms are collecting it or submitting it as required by law.

The Solicitor also took the opportunity to inform Council that the Borough Code had been updated to eliminate the need for public bids during emergencies. She indicated that sinkholes could be considered an emergency.

Public Comment Period #1

- Randy Peters, 128 S. Windsor Avenue, expressed his concerns regarding the rental license fee for rental units.
- Nancy Fleegle, 127E. Maple Street, explained how the AirBnb platform collects hotel tax. Solicitor Cleary explained that AirBnb has not been providing audited collection statements so there is no way of knowing if the correct amount of taxes is being collected.
- Wes Rittenhouse, 8 Apple Drive, Annville, expressed his concerns regarding the rental license fee for rental units.

Solicitor Cleary departed the meeting at this point.

Consent Calendar

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

- a. Approve the minutes of the October 22, 2019 Borough Council meeting.
- b. Approve payment of all bills listed on the October 2019 Bill's List.

Motion: To approve the consent calendar. Motion by Don Barry, second by Joe Templin. Motion passed.

Action & Discussion Items

- a. Resolution #2019-18 – Authorize Emergency Sinkhole Repair – Plum Alley:

Motion: To approve Resolution #2019-18, a resolution declaring an emergency in connection with remediation of a sinkhole that developed suddenly on November 5, 2019 within the public right-of-way of Plum Alley at the rear of 222, 226, and 228 E. Cherry Street, and,

221 and 229 E. Maple Street, and, approving the contracts and purchases made by the Borough related to the remediation of the sinkhole. Motion by Jim Tesche, second by Don Barry. Motion passed.

b. Resolution 2019-19 – Fee Resolution Update:

Motion: To approve Resolution 2019-19, a resolution amending the Borough's Fee Resolution to add the fees associated with the new rental unit licensing program. Motion by Jim Tesche, second by Joe Templin. Motion passed.

c. 2020-2024 Police Contract:

Motion: To authorize the Borough Council President to execute the 2020-2024 Police Contract that was collectively bargained between the Borough and the Palmyra Borough Police Officers' Association. Motion by Joe Templin, second by Jim Tesche. Motion passed.

d. 2020 Budget Discussion: Councilor Quairoli knew that she would be unable to attend the meeting and submitted questions to Mr. Powl earlier in the week. Mr. Powl provided a copy of her questions with his responses to Council. Mr. Powl cautioned Council that revised projections utilizing the October financial statement for the 2019 finances are now showing the need for a .85 mil tax increase in 2020. He also mentioned that refuse rates will need to increase in 2020 due to the higher landfill tipping fees and recycling fee increases. He anticipates the rate to increase to \$77 per quarter while still using surplus funds in the refuse account to subsidize the increase.

After review of the various funds and the increase in refuse rates, Council made no changes to the draft budget.

Reports

- a. President's Report: President Shearer announced that the Holiday parade is scheduled for November 16th at Noon.
- b. Financial Report:
 1. Financial Statement: Mr. Powl provided a copy of the October 31, 2019 report.
 2. Delinquent Sewer & Refuse Account Report: Ms. Pera provided a copy of the October report.
- c. Fire Department: Andy Braden reported that the old tower truck is still for sale. The fire department passed their budget at their last meeting. The fund drive is doing very well for 2019.
- d. Police Department: Chief Winters mentioned the starting date for the new Patrol Officer will be November 18th when he will be sworn-in. The next community meeting is scheduled for November 20th at 7 PM at the Unity Church. The department will be finishing up the aggressive driving program over the next couple of weeks and will submit for salary reimbursement. The Chief is also waiting on reimbursement for the football security and participation in coverage for the Hershey Half Marathon.
- e. Planning Commission - Subdivision & Land Development Plans: Borough Manager Powl reported that the Commission recommended approval for the Zoning Map Amendment request from Dwight Wagner of ShadowStone Village. The amendment will be on the agenda for the next Council meeting. He also reported that a request was received to create a dog park in the Borough. Commissioner Mellinger recommended that the interested party do the legwork to figure out finances, location, etc. and then bring the plan to Borough Council for consideration.
- f. Public Works Department: Borough Manager Powl
 1. Superintendent's Monthly Report: Mr. Powl provided a copy of the October report.
 2. Borough Properties:
 - a. Municipal Building – 325 S. Railroad Street: There was nothing new to report.

- b. Public Works Department – 910 E. Broad Street: There was nothing new to report.
 - c. Vacant Lot – 40 E. Front Street: Mr. Powl mentioned that the idea for a Skate/BMX Bike park at this location was presented by the Public Works Superintendent. It would provide an area for these kids to use since their bike trail was removed with the Memorial Park renovations. Council agreed that they did not want to assume the liability for this type of park.
 - d. Vacant Lot – Northeast corner of the intersection of N. Lingle Ave and W. Main Street: There was nothing new to report.
 - e. Vacant Lot (Shaffer-Erb Tract) – south side 900 Block East Cherry Street: There was nothing new to report.
3. Parks: (Heritage Park, Palmyra Memorial Park, and Southeast Park) There was nothing new to report.
 4. Refuse & Recycling: There was nothing new to report.
 5. Sewer System: There was nothing new to report.
 6. Sinkholes:
 - a. N. Duke Street @ First National Bank detention basin: Mr. Powl informed Council the contractor intends to dig out and replace the bottom sections of the two manholes already installed over and adjacent to the new injection well as requested by the Borough. The new bottom sections will contain cast in place rubber gaskets to seal the pipe penetrations into the manholes. The basin liner is due to be installed this week. Unfortunately, the paving of the road will likely have to wait until Spring due to the cold weather.
 - b. Plum Alley: Mr. Powl provided a copy of a proposal from Compaction Grouting Services, Inc. to grout the area in Plum Alley affected by the return of a sinkhole. The proposal is to provide stabilization of the subsurface conditions through compaction grouting.

Motion: To authorize the Borough Manager to execute the proposal from Compaction Grouting Services, Inc. for emergency repairs to the sinkhole in Plum Alley for an estimated fee of \$113,700 to \$144,000. Motion by Don Barry, second by Josh Holl. Motion passed.
 7. Stormwater Management:
 - a. 300 Block E. Cherry St & 100 Block S. Grant St Detention Basin & Road Restoration Project: Mr. Powl reported that the Borough Engineer has provided copies of the final contract to the contractor to close out the project.
 - b. Phase A Stormwater Management System: (north of railroad tracks - west of N. Grant St.) Mr. Wagner of ShadowStone Village is still working with The Hershey Company to resolve issues prohibiting the stormwater project from being approved on the southern portion of Ridge Road Park.
 - c. Shellbark Alley Drainage System - New Injection Wells: (to the rear of 138 N. Chestnut St) There was nothing new to report.
 - d. DEP Municipal Separate Storm Sewer Systems (MS4) Permit - Waiver Status: The Borough Engineer has determined the amount of pollution reduction needed for the Borough. According to the expectations of the MS4 permit, the Borough will be required to reduce the load by 67,000 pounds. The Engineer has determined the creation of two bio-swales on the western side of the Borough will reduce in excess of 70,000 pounds. This will allow the Borough to meet the MS4 requirements as outlined by the DEP permit. The probability of the Borough receiving a hybrid permit from DEP due to the unique stormwater issues in the Borough now seems low. The Borough will most likely be required to be an MS4 community.

8. Street & Alley Maintenance: There was nothing new to report.
 9. Traffic Signals: There was nothing new to report.
- g. Zoning & Codes Enforcement: Mr. Powl provided a copy of the October report. There are no hearings scheduled for Monday November 18th.
- h. Borough Manager's Report:
1. PennDOT Traffic Signal Permit Update Application – Lingle Ave:

Motion: To authorize the Borough Council President to sign the PennDOT Resolution authorizing the Borough Manager to sign and submit PennDOT Form TE-160 to amend the PennDOT Traffic Signal Permit for the intersection of Main Street (US422) and Lingle Ave to accommodate a new driveway approved just to the west in Derry Township that will require the extension of line striping for the eastbound left turn lane to transition into the two-way center left turn lane. Motion by Josh Holl, second by Joe Templin. Motion passed.

2. Truck Traffic Complaint: Mr. Powl provided the traffic study results conducted by the Borough Engineer. The results confirm that the roads are not broad enough to handle trucks turning onto the Borough streets from North Railroad Street. Council asked Mr. Powl to have the Borough Solicitor prepare a draft ordinance to prohibit truck traffic except for local deliveries on E. Poplar St, E. Cedar St., E. Hazel St, and E. Spruce St. between N. Railroad St. and N. Grant St.

Other Business

There was no other business.

Public Comment Period #2

- Nancy Fleegle, 127 E. Maple Street, thanked Mr. Powl and Ms. Pera for communicating to the Plum Alley residents on the projected sinkhole repair.
- Todd Gottshall, 511 E. Cherry Street, reported that he witnessed a crew drilling holes in the road at Main & Green Streets and inquired what might be happening there. Mr. Powl replied that he believed it was utility related and not sinkhole related but, he will have Public Works investigate.

Announcement

President Shearer announced that Borough Council will conduct its next public meetings on Tuesday, November 26, 2019, and Tuesday, December 10, 2019 beginning at 7:00 PM.

Motion to Adjourn

Motion to adjourn the meeting by Josh Holl, second by Jim Tesche. The meeting adjourned at 8:57 PM.

Respectfully submitted,

Roger E. Powl
Borough Manager