

Palmyra Borough Council Meeting  
Tuesday, August 13, 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, Carissa Mellinger, Tom Miller, Jane Quairolì and Joe Templin. Also, in attendance were Borough Manager Roger Powl, Assistant Borough Manager Brenda Pera, Mayor Fred Carpenter and Police Chief Andrew Winters.

Public Comment Period #1

- Barry Powell, 41 N. Franklin St, shared his concern that the Codes Enforcement Officer does not have immediate citation authority for non-compliance. He complained that the Town Square is not attractive. He also advised Council that 100% of landlords are not to blame when considering the new rental licensing & inspection ordinance.

The following individuals were in attendance to ask questions and comment on the proposed rental licensing and inspection ordinance:

- Ernest Woolever, 315 County Line Road
- Wes Rittenhouse, 8 Apple Street, Annville
- Randy Peters, 128 S. Windsor Avenue
- Steve Johnson, 15 Highland Drive, Annville
- Edward Sanborn, 226 S. Grant Street
- Bethany Tesche, 645 E. Cherry Street
- Mike Blouch, 81 Vista Drive, Annville

Consent Calendar

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

- a. Approve the minutes of the July 23, 2019 Borough Council meeting.
- b. Approve payment of all bills listed on the July 2019 Bill's List.

*Motion: To approve the consent calendar. Motion by Jane Quairolì, second by Joe Templin. Motion passed.*

Action & Discussion Items

- a. Ordinance #794 – Amend Chapter 350 (Vehicles & Traffic) to Revise & Add Parking Regulations:

*Motion: To authorize the Borough Solicitor to advertise Ordinance #794, an ordinance adding to and revising parking regulations contained in Chapter 350 of the Palmyra Code of Ordinances. Motion by Jane Quairolì, second by Don Barry. Motion passed.*

- b. Paving of S. Prince Street from E. Birch St to Forge Elementary School:

*Motion: To approve the proposal by Ebersole Excavating, Inc. for the reconstruction of South Prince Street between Forge Road Elementary School and East Birch Street in the amount of \$18,655 as an add on to the Palmyra Area School District project at Forge Road Elementary School, and to expense the cost of the project to Liquid Fuels Fund Budget line item #35.438.450. Motion by Jane Quairolì, second by Carissa Mellinger. Motion passed.*

- c. Resolution #2019-12 – Appoint Cindy Smith as a Member to the Palmyra Municipal Authority: Ms. Smith was present and asked Council to hold on her appointment as she has a few questions she would like answered prior to making this commitment. Council tabled this action until the next meeting.
- d. Resolution #2019-13 – Sale of Borough Owned Property (Public Works Vehicles):

*Motion: To approve Resolution #2019-13, a resolution authorizing the sale of one 2009 Ford F-350 4X4 pick-up truck and one 2003 Freightliner with Johnston Bus street sweeper via online public auction that have an estimated total combined value of \$49,500. Motion by Tom Miller, second by Joe Templin. Motion passed.*

e. Road Closure Request - Palmyra Area High School Band Spirit Parade:

*Motion: To authorize the closure of S. Railroad St, from Park Drive to Walnut St, and W. Walnut St, from S. Railroad St to S. Bowman Ave, on Friday October 25, 2019 beginning at 5:40 p.m. for the Palmyra Area High School Band to conduct a "Spirit Parade" before the final home football game of the season. Motion by Jane Quairoli, second by Josh Holl. Motion passed*

f. Road Closure Request - Palmyra Area High School Annual Homecoming Parade:

*Motion: To authorize the closure of the roads necessary to accommodate the annual Palmyra High School Homecoming Parade on Friday October 4, 2019 from 6:00 - 6:35 p.m. (with a possible rain date of Monday October 7, 2019) for the following parade route:*

*Beginning in front of the Palmyra Middle School on W. Cherry St, proceeding east on E. Cherry St., turning right onto S. Lincoln St., turning right onto E. Oak St., turning left onto S. Railroad St., turning right onto W. Walnut St., turning right onto S. Locust St, and terminating at the rear of the Palmyra Middle School.*

*Motion by Jane Quairoli, second by Josh Holl. Motion passed.*

g. Ordinance #795 – Amending Open Burning Regulations: Council tabled any action on the ordinance until the Solicitor can advise on how setbacks can be exempted for existing permanently built-in fireplaces.

Reports

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

b. Financial Report:

1. Financial Statement: Mr. Powl provided the July 2019 report.
2. Delinquent Sewer & Refuse Account Report: Ms. Pera provided a copy of the July 2019 report.

c. Fire Department:

1. Firefighter Incentive Program – Chief Dugan reported that he had a conversation with Representative Ryan concerning the funds for the incentive program since Rep. Ryan has a financial background. He suggested that the Fire Department maintain the incentive funds rather than the municipalities needing to open another account and intermingling contributions from the Borough and North Londonderry Township.

d. Police Department: Chief Winters announced that the National Night Out program was a success. The background investigations on the Patrol Officer candidates are still ongoing. The new unmarked 2020 Ford Police Interceptor vehicle is scheduled to be delivered on Friday, August 16<sup>th</sup>. He is looking to schedule the next community meeting at one of the area churches.

Mayor Carpenter announced the American Legion is holding a 100<sup>th</sup> Anniversary party on Saturday, August 17<sup>th</sup> from 5 – 8 PM.

e. Planning Commission - Subdivision & Land Development Plans: The Commission did not meet this month.

f. Public Works Department:

1. Superintendent's Monthly Report: Mr. Powl provided a copy of the July 2019 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:

1. 1,000-gallon Above-Ground Fuel Storage Tank for Back-up Generator:

*Motion: To approve the purchase of a 1,000-gallon above-ground fuel storage tank from Highland Tank for a cost of \$3,820, which shall be expensed from Special Sewer Fund Budget line item #04.429.372. Motion by Jane Quairoli, second by Joe Templin. Motion passed.*

c. Vacant Lot – 40 E. Front Street: There was nothing new to report.

d. Vacant Lot – Northeast corner of the intersection of N. Lingle Ave and W. Main Street: Mr. Powl reminded Council to think of ideas for improving this property possibly as a gateway park that the Bowman Trust money could be used for.

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) Mr. Powl presented a proposal from Pennsy Supply for a change order to the Roadway Project contract to finish paving the parking lot at Memorial Park. The proposal was for \$20,571.20. The Borough budgeted \$40,000 for paving, so this project will be completed under budget.

*Motion: To approve Contract Change Order No. 1 to the 2019 Roadway Project, Contract No. 2, from Pennsy Supply in the amount of \$20, 571.20 to pave the remainder of the stone parking lot at Memorial Park, and to expense this cost from General Fund line item #01.454.372. Motion by Jane Quairoli, second by Josh Holl. Motion passed.*

Ms. Pera provided copies of two requests made to the Bowman Trust Committee for final repairs on the pavilion. Both requests are being considered by the Committee.

4. Refuse & Recycling: There was nothing new to report.

5. Sewer System:

a. Broken Sewer Main – Federal Alley: Bids were received to replace 315-feet of main sewer line. Ebersole Excavating, Inc. was the low bidder.

*Motion: To authorize the Borough Engineer to send a Notice of Intent to Award a Contract to Ebersole Excavating, Inc., 5556 Ridge Road, Elizabethtown, PA in the amount of \$68,578 for the removal and replacement of approximately 315 feet of sewer main piping and associated lateral connections. The cost for this project shall be expensed from Sewer Budget line item #30.429.372. Motion by Jane Quairoli, second by Josh Holl. Motion passed.*

b. Main Pump Station – Back-up Mechanical Controls: There was nothing new to report.

c. Flowmeter – Pump Station #3: There was nothing new to report.

6. Sinkholes:
  - a. N. Duke Street @ First National Bank detention basin: Mr. Powl reported that a pre-construction meeting was held at the sight to discuss plans for moving forward with the sinkhole repair. As a result of receiving the Notice of Violation from the Borough, the engineer for the Bank was working towards fixing the sinkhole, plugging the failed injection well, and re-constructing the detention basin, but all at the meeting agreed that a new injection well needs to be online first so that stormwater has someplace to go. In the meantime, the contractor for the Bank provided an emergency contact list and agreed to stockpile fill materials and continue to shore up the road as it erodes until the new well is drilled.
  - b. 223 S. Locust Street & PASD Injection Well: Mr. Powl commented that there has been no new information received from the school district.
  - c. North/South Alley to the rear of 21 E. Willow Street: This very small sinkhole was repaired by the Public Works crew.
7. Stormwater Management:
  - a. 300 Block E. Cherry St & 100 Block S. Grant St Detention Basin & Road Restoration Project: The contractor needs to repair a manhole cover and finish paving. The Borough is holding money on this contract at the advice of the Borough Engineer.
  - b. Phase A Stormwater Management System: (north of railroad tracks - west of N. Grant St.) Mr. Powl reported that a meeting was held with Dwight Wagner of ShadowStone and Matt Crocker of The Hershey Company. The Borough Engineer provided drawings to Mr. Crocker for him to review the projected stormwater facility to determine if it would conflict with any future of expanding the Eastern Distribution Center.
  - 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: There was nothing new to report
8. Street & Alley Maintenance:
  - a. 2018 & 2019 Paving Project Status: All work completed except E. Hazel Street (contractor may return to pave E. Hazel Street last week of August)
  - b. 2019 Microsurfacing Project Status: (contractor may begin work as early as August 19<sup>th</sup>)
9. Traffic Signals: Mr. Powl reported that the signal at E. Main Street and S. Duke Street was updated to allow the signal to stay green on the east/west legs of the intersection until detection of a left turn onto W. Main Street is triggered from northbound traffic on S. Duke Street.
- g. Solicitor's Report: Solicitor Cleary
  1. N. Duke Street Sinkhole – First National Bank Right of Entry Agreement: Mr. Powl indicated that a revised Right of Entry Agreement is necessary for First National Bank to drill a well in the Borough's right of way.

*Motion: To authorize the Borough Council President to execute the revised Right of Entry Agreement prepared by the Borough Solicitor for First National Bank to enter onto the Public right-of-way for N. Duke Street for the purposes of drilling a new injection well, installing stormwater piping, and to mobilize, stockpile materials and repair the sinkhole in the stormwater management basin located at First National Bank, 901 E. Main Street. Motion by Jane Quairolì, second by Don Barry. Motion passed.*

2. Short Term Rental Issues (Air B-n-B's) – Letter dated August 1, 2019. Borough Council asked to table this issue until the next meeting.

h. Zoning & Codes Enforcement:

1. Zoning Officer/Codes Enforcement Officer Report: Mr. Powl provided a copy of the July report.
2. Zoning Hearing Board: A hearing is scheduled for Monday August 19<sup>th</sup> at 5:30 PM.
  - a. Palmyra Bologna Company – Lot on SE Corner of N. Locust St & unnamed alley:
    - Seeking a Variance of Section 380-15(B) (Uses Permitted by Right) to allow the off-street parking required for Palmyra Bologna Company to be located on this property.
    - Seeking a Variance of Section 380-15(G) (Area & Design Requirements) to allow a 15% increase in lot coverage from 35% to 50%.
    - Seeking a Variance of Section 380-38(G) (Parking Location) to allow parking to be located in a different zoning district than the principal use is located, and, to increase the maximum distance from the principle use to the parking lot of 150-feet to 200-feet.
    - Seeking a Variance of Section 380-26 (Clear Sight Triangles) to allow 15'X15' clear site distance triangles at two corners of the lot (75'X75' is required).

Council decided not to take a position on the application.

i. Borough Manager's Report: There was nothing new to report

- h. Draft Rental Property Inspection Ordinance: Council began a discussion about a rental property inspection ordinance. After sharing several opinions, a straw poll was taken of Council to see if the ordinance had support. Councilor Templin, Council Barry, and Councilor Miller believe the ordinance is necessary and will support it as presented and ultimately approved by the Borough Solicitor. Councilor Shearer and Councilor Quairoli are against any type of rental inspection, but do not have an issue with annual licensing of rental properties, or disruptive conduct provisions of the ordinance. Councilor Mellinger and Councilor Holl preferred to review the ordinance before committing to support it.

Council began review of the ordinance and stopped at Section 277-13 with an agreement to continue their review at the next Council meeting scheduled for August 27<sup>th</sup>.

Communications

Mr. Powl provided a copy of a letter received 7/31/19 from Philadelphia Mixing Solutions, Ltd., thanking the Police for their assistance with traffic control around their property due to the Route 422 sinkhole.

Other Business

There was no other business.

Public Comment Period #2

The following individuals had additional questions or comments on the proposed rental license and inspection ordinance:

- Cindy Smith, 45 N. Grant Street
- Don Martin, 19 Gentry Drive, Annville
- Bethany & Jim Tesche, 645 E. Cherry Street
- Wes Rittenhouse, 8 Apple Street, Annville
- Mike Blouch, 81 Vista Drive, Annville

Announcement

President Shearer announced that Borough Council will conduct its next public meetings on Tuesday, August 27, 2019, and Tuesday, September 13, 2019 beginning at 7:00 PM.

Motion to Adjourn

*Motion to adjourn the meeting by Josh Holl, second by Tom Miller. The meeting adjourned at 10:17 PM.*

Respectfully submitted,

Roger E. Powl  
Borough Manager