

Palmyra Borough Council Meeting  
 Tuesday September 24, 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, Tom Miller, Jane Quairoli and Joe Templin. Also, in attendance Borough Manager Roger Powl, Assistant Borough Manager Brenda Pera, Mayor Fred Carpenter and Police Chief Andrew Winters.

Election of Council Vice-President

- a. President Shearer called for nominations.
- Councilor Barry nominated Tom Miller. Councilor Miller accepted the nomination.
  - President Shearer nominated Jane Quairoli. Councilor Quairoli declined the nomination.

Since there were no other nominations, President Shearer closed nominations. Council Miller was elected Vice-President by unanimous consent.

Public Comment Period #1

There were no public comments.

Consent Calendar

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

- a. Approve the minutes of the September 10, 2019 Borough Council meeting.  
 b. Approve the Treasurer's Report for the period August 1 through August 31, 2019:

	General Fund	Sewer Fund	Refuse Fund	Capital Reserve Fund	Special Sewer Fund	Liquid Fuels Fund
YTD Revenue	\$2,819,234	\$1,289,723	\$874,362	\$252,397	\$21,728	\$243,244
YTD Expenses	\$2,446,652	\$748,623	\$768,195	\$443,322	\$46,719	\$604,850
Difference	\$372,583	\$541,100	\$106,167	\$(190,925)	\$(24,992)	\$(361,607)
Fund Balance	\$1,806,155	\$1,237,699	\$513,299	\$1,358,364	\$1,416,869	\$372,831

	Library Fund	Police Health Care Fund	Town Square Reserve Fund	Joint Fire Apparatus Fund	Cemetery Fund	Employee Benefits Fund
YTD Revenue	\$28,619	\$41,408	\$51	\$61,772	\$653	\$114,114
YTD Expenses	\$30,000	\$22,120	\$0	\$408,901	\$0	\$40,596
Difference	\$(1,381)	\$19,289	\$51	\$(347,129)	\$653	\$73,518
Fund Balance	\$551	\$217,835	\$3,912	\$31,170	\$42,442	\$102,750

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

Action & Discussion Items

a. Ordinance #795 – Amend Chapter 127 (Open Burning Regulations):

*Motion: To enact Ordinance #795, an ordinance to amend Chapter 127 (Open Burning) of the Palmyra Borough Code of Ordinances to define and regulate fire pits. Motion by Jane Quairolì, second by Tom Miller. Motion passed.*

b. Resolution #2019-16 - Auditor Appointment for 2019 Audit:

*Motion: To approve Resolution #2019-16, a resolution appointing Brown, Schultz, Sheridan & Fritz to perform the annual Audit for year ending December 31, 2019 for a fee not to exceed \$14,900. Motion by Jane Quairolì, second by Don Barry. Motion passed.*

Councilor Quairolì asked if the auditors are ever audited. Mr. Powl agreed to pursue an answer to the question with Brown, Schultz, Sheridan & Fritz.

c. Family Medical Leave Act (FMLA) Request – Officer Sponaugle:

*Motion: To approve the FMLA application for Brandon Sponaugle for ten (10) weeks beginning November 16, 2019 and ending January 24, 2020 with the contingency to use all available vacation, family sick and personal leave. Motion by Jane Quairolì, second by Don Barry. Motion passed.*

d. Palmyra Borough Code of Ordinances – Chapter 277 (Rental Property): Council continued their discussion on the three policy options outlined by the Borough Solicitor:

- Option #1 = Create an ordinance that includes licensing, disruptive conduct, and inspections required on a regular routine basis.
- Option #2 = Create an ordinance that includes licensing, disruptive conduct, and no required inspections except in cases of requests by tenants and/or landlords, probable cause, etc.
- Option #3 = Create an ordinance that includes licensing, disruptive conduct, and inspection at the time of change of occupancy and ownership, and possibly add a provision for inspection every 3-years if no change in occupancy.

Councilor Miller indicated that the Borough may be taking too large of a step with scheduled rental inspections and might benefit from choosing Option #2 and making sure the staff has the tools they need to track the information.

Council agreed with the suggested approach and would consider revisiting Option #1 if problems with rental properties continue in the future. Council directed Mr. Powl to have the Solicitor prepare the ordinance accordingly.

e. Palmyra Borough Code of Ordinances - Short Term Rental Issues (Airbnb's): Council discussed the policy questions outlined by the Borough Solicitor:

- Does Council desire to allow Airbnb's as a use somewhere within the Borough?
- If so, what zoning districts should an Airbnb use be included in?
- If desired in a residential district, does Council want to limit any Airbnb in a residential district to single-family dwellings only.

Council asked Mr. Powl to have the Solicitor prepare an ordinance that allows Airbnb's in all zoning areas but residential.

f. Palmyra Borough Code of Ordinances – Inspection of Private Property Upon Sale/Change of Ownership: Solicitor provided sample ordinances 6/26/19: Council agreed that they are not interested in pursuing an ordinance at this time.

- g. Borough Council Vacancy: President Shearer announced that Borough Council has until October 10, 2019 (October 8, 2019 meeting) to appoint a replacement to serve the remainder of Carissa Mellinger's term, which expires the first Monday of the year 2022. President Shearer inquired of candidates in the audience. Four individuals, Dena Francis, Doug Smithmyer, Jim Tesche, and David Siegfried all confirmed they were in attendance to be interviewed for the position.

President Shearer asked all candidates to consider stepping out of the room while interviews were conducted but acknowledged that they are not required to remove themselves from the Council Chambers. All candidates agreed to step out for the sake of the candidate being interviewed.

The candidates were interviewed in the following order:

- Dena Francis, 719 N. Railroad Street
- Doug Smithmyer, 523 S. Grant Street
- Jim Tesche, 645 E. Cherry Street
- David Siegfried, 500 S. Railroad Street

At the conclusion of the interviews, Council agreed to accept nominations. President Shearer opened the floor for nominations.

- Councilor Quairoli nominated Jim Tesche for the position.
- Councilor Miller nominated Doug Smithmyer for the position.

*Motion: To close nominations. Motion by Jane Quairoli, second by Josh Holl. Motion passed.*

President Shearer called for a roll call vote for the first nominee, Jim Tesche.

<i>Councilor Barry</i>	-	<i>Yes</i>
<i>Councilor Holl</i>	-	<i>Yes</i>
<i>Councilor Miller</i>	-	<i>Yes</i>
<i>Councilor Quairoli</i>	-	<i>Yes</i>
<i>Councilor Templin</i>	-	<i>Yes</i>
<i>Councilor Shearer</i>	-	<i>Yes</i>

Jim Tesche was appointed to the Council vacancy by unanimous consent. Mayor Carpenter administered the Oath of Office and Councilor Tesche signed his Residency Affidavit prior to assuming his seat at the Council table.

### Reports

- a. President's Report: President Shearer welcomed Jim Tesche to Council.
- b. Library Report: Councilor Quairoli provided a copy of the September 2019 report.
- c. Fire Department: Councilor Holl announced that a few repairs are needed on the new tower truck which will keep in out of operation for the time being. Councilor Quairoli asked if the fire department could use MuniBid to sell the old tower truck since it hasn't sold yet. Councilor Holl will inquire.
- d. Police Department: Chief Winters provided a copy of the August 2019 report. He stated that CVS Pharmacy will be placing a medicine drop box at the Police Department. The background and polygraph testing for the new Patrol Officer candidates should be completed in the next week and Chief Winters believes a list of eligible candidates will be presented to Council by the October 22<sup>nd</sup> meeting.

Chief Winters invited landlords to stop into the police department to discuss any police activities at their properties.

Mayor Carpenter announced that Brian Craig has a U.S. flag to present to the Borough. The flag was flown in Saudi Arabia while Mr. Craig was deployed.

- e. Recreation Commission: Councilor Quairoli provided a copy of the September 2019 Director's Report. She also asked Mr. Powl to keep PARPC informed on any developments related to the Borough's proposed stormwater project that would impact the southern portion of Ridge Road Park.
- f. Solicitor's Report: Solicitor Cleary
  - 1. Zoning Ordinance Amendment: Temporary Directional Signs - letter dated 8/30/19. Mr. Powl provided a copy of a letter from the Solicitor relating to the request for the need for temporary off premises signage due to the sinkhole repairs on Rt. 422 in North Londonderry Township. Mr. Powl mentioned that the Zoning Officer has several other changes needed in the zoning ordinance and it makes the most sense to incorporate all those changes into one ordinance due to the approval process required for any zoning ordinance amendment. Council agreed to delay and asked Mr. Powl to prepare a list of other changes to include with this amendment.
  - 2. Tall Grass/Weeds between Curb face and Street - e-mail dated 9/3/19. Mr. Powl provided a copy of an email from the Solicitor that outlined this issue as being the responsibility of the homeowner. According to the Solicitor, the Borough Code requires the abutting property owner to maintain the sidewalk which can include the curb, swale, and grass area between the curb and the concrete sidewalk. Council asked that this information be included in the next newsletter and referenced on the website.
  - 3. Amend Chapter 202 (Grass & Weeds) of the Palmyra Code of Ordinances - letter dated 9/9/19. –  
*Motion: To authorize the Borough Solicitor to advertise Ordinance #796, an ordinance to amend Chapter 202 (Grass & Weeds) of the Palmyra Borough Code of Ordinances to define and provide citation authority to the Codes Enforcement officer. Motion by Jane Quairoli, second by Josh Holl. Motion passed.*
  - 4. Truck Traffic Complaint - e-mail dated 9/18/19. Mr. Powl informed Council that the residents on Poplar Street are complaining about truck traffic turning onto their street to get back to Ridge Road because they cannot easily turn onto West Ridge Road from North Railroad Street. The residents asked if truck traffic can be banned on the street. Mr. Powl advised Council that it will require a traffic study to be completed by the Borough Engineer and an ordinance to be enacted. Council asked Mr. Powl to get a proposal from Rettew for a traffic study, and to include East Hazel, East Cedar, and E. Spruce Streets in the truck ban study.
- g. Zoning Hearing Board: No hearings were scheduled for Monday September 16<sup>th</sup>.
- h. Borough Manager's Report:
  - 1. N. Duke Street Sinkhole Repair Status: Mr. Powl reported that the methods for ensuring a water tight seal on the storm water pipes at each inlet and manhole are being discussed. The connection needs a rubber gasket at the inlets, but some of the inlets have already been set in place without the rubber gasket. The borough is taking the position that it will not accept the storm water system if the storm pipes are not properly sealed at the inlets.
  - 2. Federal Alley Sewer Main Replacement Project – Paving Change Order: Mr. Powl stated that the contractor would like to pave the entire width of the alley instead of just the trench area to provide a better result. The cost of the additional paving is \$9,500. The contractor finished

\$3,500 under their original bid amount of \$68,578, so they will use that balance and an additional \$6,000 to pave the entire alley width.

*Motion: To approve Change Order #1 to approve the expense of an additional \$6,000 so that the full width of Federal Alley will be paved versus only the trench restoration area as specified in the contract. This additional expense shall be charged to Budget line item #08.429.372. Motion by Jane Quairolì, second by Tom Miller. Motion passed.*

3. Magisterial District Judge Request: Ms. Pera mentioned that MDJ Carl Garver inquired about the possibility of placing his name on the side of the building because he is the only MDJ in Lebanon County without signage bearing his name. MDJ Garver indicated that he would be satisfied with a window stencil on the front entrance window. Council approved the request but will require MDJ Garver to submit a draft of the stencil to Council for final approval.

4. Road Closure Request – 2019 Palmyra Christmas Parade:

*Motion: To authorize the Palmyra Area Heritage Association (PAHA) to implement the following road closures necessary for the 2018 Palmyra Christmas Parade to be on Saturday November 16, 2019 from 10:30 AM – approximately 2:00 PM.:*

- *Parade Staging from 10:30 AM-12:00 PM on East Broad Street from East Green to North Grant.*
- *Parade Route: Beginning at 12:00 Noon at East Broad and North Grant Streets, proceed along East Broad Street to North Locust Street, turn south onto North Locust Street to West Main Street, turn east on West Main Street to Green Street, turn north onto North Green street and disband at East Broad Street at approximately 2:00 PM.*

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

5. Writ of Scire Facias for delinquent properties

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

- *Thomas Hammond, Jr., 700 West Cherry Street for a delinquent balance of \$2,396.21*
- *Thomas Hammond, Jr., 702 West Cherry Street for a delinquent balance of \$2,093.01*
- *Thomas Hammond, Jr., 100 East Cherry Street for a delinquent balance of \$2,100.63*
- *Thomas Hammond, Jr., 102 East Cherry Street for a delinquent balance of \$2,100.63*
- *Thomas Hammond, Jr., 659 West Main Street for a delinquent balance of \$1,954.35*
- *Thomas Hammond, Jr., 234 North Railroad Street for a delinquent balance of \$1,954.35*
- *Thomas Hammond, Jr., 312 East Broad Street for a delinquent balance of \$1,451.01*
- *M&D Properties, 235/235A East Maple Street for a delinquent balance of \$5,613.68*
- *M&D Properties, 233 East Maple Street for a delinquent balance of \$2,975.21*
- *Diane Watkins, 826 West Main Street for a delinquent balance of \$4,383.31*
- *Aahron & Denise Bartram, 613 West Oak Street for a delinquent balance of \$4,394.53*
- *Keith Youtz, 246 North Lincoln Street for a delinquent balance of \$3,931.99*
- *Sarah Porche, 144/146 North Railroad Street for a delinquent balance of \$3,886.85*
- *RJDR Properties LLC, 156/158 North Harrison Street for a delinquent balance of \$3,238.44*
- *Robert Cassel, Jr & Elizabeth Cassel, 21 North Grant Street for a delinquent balance of \$3,102.09*
- *Matthew Yingst, 328 South Railroad Street for a delinquent balance of \$3,048.12*
- *Sally Ann Arndt, 301 East Main Street for a delinquent balance of \$2,926.11*

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

### Communications

Mr. Powl provided an invitation from the Palmyra Public Library for a Wine & Cheese Reception, Thursday October 17<sup>th</sup> 5:30-7:30 PM at the Library to celebrate the Library's Capital Campaign.

### Other Business

- Councilor Quairoli asked anyone interested in attending the Wine & Cheese Reception to RSVP to Chelsea Weibley, Library Director.
- Councilor Quairoli shared a complaint from a resident about fireworks being shot in the West Cherry Street area.
- President Shearer announced that she will not be at the October 8<sup>th</sup> meeting.

### Public Comment Period #2

- Fran Rassouli introduced herself to Council. She is running for County Commissioner.
- Nancy Fleegle, 127 E. Maple Street, shared her experiences with an Air BnB that she owns.
- Danielle Nafzinger, 600 S. Prince Street, commented about the fresh paving on E. Cypress Street coming loose and damaging vehicles.
- Cindy Smith, 45 N. Grant Street, complained about the tall weeds and standing water at 101 N. Grant Street

### Announcement

President Shearer announced that Borough Council will conduct a public meeting on Tuesday, October 8, 2019 and on Tuesday, October 22, 2019 beginning at 7:00 PM.

### Motion to Adjourn

*Motion to adjourn the meeting by Jane Quairoli, second by Joe Templin. The meeting adjourned at 9:26 PM.*

Respectfully submitted,

Roger E. Powl  
Borough Manager