

Palmyra Borough Council Meeting
Thursday September 10, 2020
7:00 PM

President 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, Joe Templin and James Tesche. Also, in attendance were Borough Manager Roger Powl, Assistant Borough Manager Brenda Pera, Police Chief Andrew Winters and Mayor Fred Carpenter.

Special Presentation

Chief Winters presented a Certificate of Merit to Officer Frank Bucsi for commendable actions taken during patrol.

Public Comment Period #1

- Bethany Tesche, 645 E Cherry St, was in attendance concerning the number of accidents at the S Forge St and E. Cherry St intersection. An accident occurred at the intersection earlier in the day which resulted in significant damage to three vehicles as well as a transport to the hospital. She is concerned about the dangerous nature of the intersection. Mr. Powl provided a list of options from the Borough Engineer to make the stop signs more noticeable including a flashing red light on the top of each stop sign. Council asked Mr. Powl to pursue the flashing light option.

Consent Calendar

- a. Approve the minutes of the August 27, 2020 Borough Council meeting.
- b. Approve payment of all bills listed on the August 2020 Detailed Check Listing Report.

Councilor Quairoli asked for a correction to be made to the minutes under her Recreation Commission report. She would like the minutes to reflect that she reminded Borough Council of the resignation of Maddie Reed and that another member of Borough Council is eligible to serve on the Rec Commission Board.

Motion: To approve the consent calendar with corrections. Motion by Jane Quairoli, second by James Tesche. Motion passed.

Action & Discussion Items

- a. Ordinance #807 – Amend Chapter 380 (Zoning) of the Palmyra Borough Code of Ordinances:
 1. President Shearer announced the purpose of the public hearing is to afford the public the opportunity to comment specifically on the proposed Zoning Ordinance Amendment as required by Section 609.B(1) of the Pennsylvania Municipalities Planning Code (MPC). The Zoning Ordinance Amendment proposes to allow duplex dwelling units within the Low-Density Residential (LDR) zone by right as part of a planned community on tracts of land 10-acres or larger. The Palmyra Planning Commission made a recommendation to Borough Council to approve the Zoning Ordinance Amendment at the August 26, 2020 Planning Commission meeting. The Lebanon County Planning Department has issued no comments on the proposed Zoning Ordinance Amendment. The ordinance was advertised in the August 24th & 31st editions of the Lebanon Daily News. The ordinance was sent to the Lebanon Law Library on July 27, 2020.

President Shearer opened the public hearing.

- Claudia Shank, McNeese Wallace & Nurick, presented the zoning text amendment petition request from Millfield Green LLC to Council. She explained that if Council enacts the ordinance associated with the petition, any 10-acre property located within the Low-Density Residential District could be developed in the manner they are seeking for the Chimel property located north of Ridge Rd, between N. Railroad St and N. Grant St. The concept plan includes the construction of approximately 56 high-end duplex dwelling units.

- Bob Riahi, Millfield Construction, reviewed literature showing the company's 33-year development history. He also explained his company's development philosophy of developing with what the land has to offer instead of transforming the land to accommodate a development.
- William Swiernik, David Miller Architects, discussed the plan for landscaping, traffic, and stormwater concerns.

Councilor Barry expressed his concern about the access road to the development via an extension of N. Lincoln St instead of connecting to N. Railroad Street. Mr. Swiernik explained that the slopes are too steep to enable a connection to N. Railroad St safely.

Councilor Miller asked for an explanation about the stormwater issues and mitigation on the Chimel property and Mr. Swiernik explained that no stormwater engineering has been done at this point.

Councilor Holl asked for a timeline on the development and how long it would take for the site to be built out and Mr. Riahi explained that he expected the development to start slowly by building 5-6 units the first year then, depending on sales, that may increase to 10-12 units per year until all the units are sold out in approximately 10-years.

Councilor Quairoli reminded Council that the purpose of the public hearing was not to discuss the specifics of the development, but to determine if Council wants to allow large planned duplex communities to be added to the LDR zone by right.

President Shearer opened public comments for the hearing.

- Nathan Peric, 25 E. Ridge Rd, inquired if the Regional Comprehensive Plan allowed for duplexes in the LDR. He expressed his concerns about stormwater, traffic, and reduced water pressure resulting from a development of this type.
- Javier Santiago, 127 E Ridge Rd, stated his concerns about the site distance on Ridge Rd and voiced his worries about traffic issues.
- Mary Smith, 117 E. Ridge Rd, referenced an access agreement Mr. Chimel made between the property owners on Ridge Rd. Ms. Shank from McNees Wallace and Nurick addressed the issue with Ms. Smith.
- William Garber, 725 N Grant St, remarked about his concern allowing duplexes in the LDR. He stated that new development should offer the least possible impact to the existing neighborhood and this development will add more service needs and change the entire character of the neighborhood compared to a new single-family housing development. He asked Council to vote against the zoning change.
- Doug Fleegle, 127 E Maple St, looked at the possibility of the new development possibly providing more fire volunteers and potential drivers of the fire apparatus.

Motion: To close the public hearing. Motion by Jane Quairoli, second by Tom Miller. Motion passed.

Motion: To enact Ordinance #807, an ordinance to amend Chapter 380 (Zoning) of the Palmyra Borough Code of Ordinances to permit duplex dwellings within the Low-Density Residential (LDR) zone by right subject to the satisfaction of certain specifically enumerated criteria. Motion by Tom Miller, second by Jane Quairoli. Motion passed by a 5-2 vote with Don Barry and Beth Shearer voting against the motion.

- b. Ordinance #808 – Amend Chapter 277 (Rental Property) of the Palmyra Borough Code of Ordinances:

Motion: To authorize the Borough Solicitor to advertise Ordinance #808, an ordinance to restate and revise regulations governing residential rental units and to add regulations governing vacant properties. Motion by Tom Miller, second by Josh Holl. Motion passed by a 6-1 vote with Jane Quairoli voting against the motion.

Reports

- a. President's Report: President Shearer did not have a report.
- b. Financial Report:
 1. Financial Statement: Mr. Powl provided a copy of the August 2020 financial statement.
 2. Delinquent Sewer & Refuse Account Report: Ms. Pera provided a copy of the August 2020 report.
- c. Police Department: Chief Winters provided an update on subscriber statistics for the CrimeWatch program. He also asked Council for approval to hire a new patrol officer.

Motion: To hire Dalton James Jones as a full-time Patrol Officer for the Palmyra Police Department, with a starting salary of \$52,000/year (\$25.00/hour), contingent upon the following: 1) passing the required MPOETC certification exam, 2) successful completion of a medical and psychological examination. Motion by Don Barry, second by James Tesche. Motion passed.

Mayor Carpenter shared a letter he received from Richard Lewis, 151 N Franklin St, rescinding permission for anyone from the Borough to access his property. The letter will be added to the property file for future reference.

- d. Planning Commission - Subdivision & Land Development Plans: There was nothing new to report.
- e. Public Works Department: Borough Manager Powl
 1. Superintendent's Monthly Report: Mr. Powl provided a copy of the August 2020 report.
 2. Borough Properties: Mr. Powl had nothing new to report for the Borough properties.
 - a. Municipal Building – 325 S. Railroad Street: Front doors – repair status update:
 - b. Public Works Department – 910 E. Broad Street:
 - c. Vacant Lot – 40 E. Front Street:
 - d. Vacant Lot – Northeast corner of the intersection of N. Lingle Ave and W. Main Street
 - e. Vacant Lot (Shaffer-Erb Tract) – south side 900 Block East Cherry Street
 3. Parks: (Heritage Park, Palmyra Memorial Park, and Southeast Park) There was nothing new to report.
 4. Refuse & Recycling:
 1. Palmyra Area School District Recycling issue: Mr. Powl asked Council for an executive session after the meeting to discuss as a potential litigation issue.
 5. Sewer System: There was nothing new to report.
 6. Sinkholes:
 - a. Plum Alley: (allowing for a period of settling prior to re-paving alley)
 - b. 223 S. Locust Street: (PASD Failed injection well)
 7. Stormwater Management:
 - a. 300 Block E. Cherry St & 100 Block S. Grant St Detention Basin & Road Restoration Project: Agreement to inherit ownership of 310 & 312 E. Cherry Street upon owner's death - There was nothing new to report.
 - b. Phase A Stormwater Management System: (north of railroad tracks - west of N. Grant St.) Mr. Wagner is still in conversations with The Hershey Company.
 - c. Shellbark Alley Drainage System - New Injection Wells: (to the rear of 138 N. Chestnut St) Pipe work complete – allowing for a period of settling prior to re-paving alley. There was nothing new to report.
 - d. DEP Municipal Separate Storm Sewer Systems (MS4) Permit: RETTEW is working on submission of the annual permit.
 8. Street & Alley Maintenance: There was nothing new to report.

9. Traffic Signals: There was nothing new to report.
- f. Solicitor's Report: (Solicitor Cleary) Mr. Powl provided a letter dated 9/4/2020, to Richard & Mary Heister, owners of 813 W. Cherry Street, in which the Solicitor responded to their letter dated 8/20/2020 concerning the rental registration ordinance.
- g. Zoning & Codes Enforcement:
 1. Zoning Officer/Codes Enforcement Officer Report: Mr. Powl provided a copy of the August 2020 report.
 2. Zoning Hearing Board (ZHB): Mr. Powl reported the following hearings scheduled for September 14th at 5:30 p.m. Council did not wish to take a position on any of the applications.
 - a. 61 N. Prince Street – Jacobs Telecom / AT&T:
 - Seeking Special Exception under Section 380-64.1 to allow for the placement of a commercial communications antenna in the right-of-way of the Highway Commercial (HC) District.
 - Seeking a Variance of Section 380.64.1(E)(4) to allow for a utility pole/tower height of 45-feet versus the 40-feet permitted.
 - b. 739 Locust Alley – Jacobs Telecom / AT&T:
 - Seeking Special Exception under Section 380-64.1 to allow for the placement of a commercial communications antenna in the right-of-way of the Highway Commercial (HC) District.
 - Seeking a Variance of Section 380.64.1(E)(4) to allow for a utility pole/tower height of 45-feet versus the 40-feet permitted.
 - c. 640 W. Main Street – Joseph & Susan LeVan:
 - Seeking Special Exception under Section 380-51 to establish an amusement arcade in the Highway (HC) Commercial District.
- h. Borough Manager's Report: There was nothing new to report.

Other Business

- President Shearer commented that she received a letter regarding the Liquid Fuels Fund audit.
- Chief Winters reported that the interior radio booster was installed in the department.

Public Comment Period #2

There were no public comments.

Announcement

President Shearer announced that Borough Council will conduct its next public meetings on Thursday, September 24, 2020, and Thursday, October 8, 2020 beginning at 7:00 PM.

Motion to Adjourn

Motion to adjourn the meeting by Josh Holl, second by Jane Quairolì. The meeting adjourned at 8:36PM.

Respectfully submitted,

Roger E. Powl
Borough Manager