

Palmyra Borough Council Meeting  
 Tuesday February 22, 2022  
 7:00 PM

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, Anthony Catalani, William Garber, Tom Miller, Jane Quairola, and James Tesche. Also, in attendance were Mayor Fred Carpenter, Police Chief Andy Winters, Borough Manager Roger Powl, and Assistant Borough Manager Brenda Pera.

Public Comment Period #1

- Nancy Fleegle, 127 E. Maple St, raised a concern about property owners that own corner properties and only shovel the front sidewalk leaving the side covered with snow.

Consent Calendar

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

- a. Approve the minutes of the February 8, 2022 Borough Council meeting.
- b. Approve payment of all bills listed on the January 2022 Detailed Check Listing Report.
- c. Approve the Treasurer’s Report for the period January 1 through January 31, 2022:

	General Fund	Sewer Fund	Refuse Fund	Capital Reserve Fund	Special Sewer Fund	Liquid Fuels Fund
YTD Revenue	\$211,517	\$275,986	\$206,709	\$26,429	\$289	\$8
YTD Expenses	\$184,517	\$184,490	\$85,851	\$24,314	\$0	\$0
Difference	\$27,000	\$91,496	\$120,859	\$2,116	\$289	\$8
Fund Balance	\$667,119	\$211,421	\$354,961	\$1,352,713	\$2,204,179	\$48,704

	Library Tax Fund	Police Health Care Fund	Joint Fire Apparatus Fund	Cemetery Fund	Employee Benefits Fund	Fire Protection Tax Fund
YTD Revenue	\$366	\$0	\$20	\$7	\$62	\$19,551
YTD Expenses	\$0	\$872	\$0	\$0	\$0	\$6,078
Difference	\$366	\$(872)	\$20	\$7	\$62	\$13,473
Fund Balance	\$3,020	\$261,821	\$120,682	\$42,656	\$364,171	\$13,473

*Motion: To approve the consent calendar. Motion by Jane Quairola, second by Don Barry. Motion passed.*

### Action & Discussion Items

- a. Proposed Ordinance to Amend Zoning Ordinance: Council reviewed and discussed a letter from the Borough Solicitor dated February 16, 2022 and a draft ordinance to amend the Zoning Ordinance. The draft ordinance included regulations governing short-term rental units, revised parking regulations, and several technical corrections. Mr. Powl indicated that the revisions would have to go to the Planning Commission and Lebanon County Planning Department as required by the PA Municipal Planning Code (MPC) for review before it could be advertised for a public hearing and enacted by Borough Council.
- b. Ordinance #814 – Amend Chapter 314(Sidewalks), Section 314-40.B(Snow Removal Responsibility)

*Motion: To authorize the Borough Solicitor to prepare and advertise Ordinance #814, an ordinance amending Section 314-40.B of the Palmyra Borough Code of Ordinances by adding “and shall be kept clear from any blowing or drifting snow or ice that occurs thereafter” after “24-hours after the cessation of any fall of snow, sleet, or freezing rain”. Motion by Jane Quairolì, second by Don Barry. Motion passed.*

Mr. Powl explained that several people who have been cited for snow & ice violations for sidewalks have requested hearings before the Magisterial District Judge (MDJ) because the Borough’s ordinances do not specifically state that the sidewalks must be kept clear of blowing & drifting snow & ice formation after the sidewalks were cleared within 24-hours of cessation of precipitation. The MDJ has found them all guilty to this point, however, the Solicitor agreed that it would be a good idea to tweak the language of the ordinance to make it clear that sidewalks must be cleared within 24-hours of cessation of snowfall and kept clear thereafter.

Mr. Powl took the opportunity to provide photos of a sidewalk located at 333 E. Oak Street. The property owner was cited for not clearing the sidewalks after a snow event and filed for a hearing before the Magisterial District Judge (MDJ). The Zoning and Codes Enforcement Officer was prepared to present the Borough’s evidence. At the beginning of the hearing, the MDJ announced that the defendant was the best friend of his son and inquired of the Codes Officer if she was comfortable with him making an unbiased decision in the case. She answered in the affirmative. The defendant’s attorney also announced he was a family friend of the MDJ and defendant and proceeded to submit a Motion to Dismiss. The Codes Officer did not have an opportunity to address the motion before the MDJ agreed to dismiss the case.

The purpose for providing the information to Council was originally intended to get their opinion on whether the Borough should appeal the decision to County court. Subsequently, the Borough Solicitor informed Mr. Powl that, because there was a motion to dismiss the case and the MDJ agreed to dismiss the case, the Borough cannot appeal to a higher court and must consider this a lost case.

Ms. Pera also informed Council that the Palmyra Area School District was among the property owners cited after the snow event. The Superintendent opted to take a hearing on the citation and argued that the School District did shovel the sidewalk 24-hours after the snow event, but that the wind drifted the snow back over the sidewalks along Walnut Street. The School District was found guilty by the MDJ.

### Reports

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

- b. Financial Report: Mr. Powl provided a copy of the January 2022 financial statement.
- c. Fire Department:
  1. Resolution #2022-16 – Citizens Fire Co. No. 1 Gaming Grant Resolution:

*Motion: To approve Resolution #2022-16, to support the application by Palmyra Citizens Fire Company No. 1 for a 2022 Local Share Account grant.  
Motion by Jane Quairoli, second by James Tesche. Motion passed.*
- d. Library Report: Councilor Quairoli provided a copy of the February 2022 report.
- e. Police Department: Chief Winters provided a copy of the January 2022 report. The report format was new to Council. The Chief mentioned that the format mirrors that of the reports he submits to the Commonwealth. He also provided a review of the annual statistics from the Crime Watch program
- f. Recreation Commission: Councilor Quairoli did not have a copy of the report for this meeting.
- g. Solicitor's Report: There was no report.
- h. Borough Manager's Report:
  1. Town Square Clock Replacement Update: Mr. Powl reported that the clock was shipped to the Borough by Verdin and ended up damaged in shipping. It was returned to Verdin by the shipping company. Since then, the clock has been repaired, re-shipped, and is now stored at the Public Works garage until Verdin can install it.
  2. Public Works Employee Probation Period Extension: Mr. Powl stated that the probation period for the new employee ends on February 23, 2022. However, the Public Works Superintendent asked to extend the probation period since the employee had an emergency medical procedure and missed two months of work.

*Motion: To extend the expiration of the probation period for Eric O. Hoar from February 23, 2022 to April 26, 2022 due to working time lost resulting from an emergency medical procedure. Motion by Tom Miller, second by Jane Quairoli. Motion passed.*
  3. Mr. Powl reported a small sinkhole between N. Grant Street and N. Lincoln Street, along Division Street. The Public Works crew called in the required Pa One Call and will be keeping a watch on the area until they can perform exploratory excavation and make repairs.

#### Other Business

- Councilor Quairoli thanked the Police for having the trailer removed along E. Spruce St that she reported at the last meeting being.
- Councilor Quairoli inquired about the findings in the Relief Association of Citizen's Fire Company No. 1 compliance audit. Andy Braden, Citizens Fire Company No. 1 President, and Assistant Treasurer for the Relief Association, was in attendance and addressed the question. He stated that the equipment inventory is done every year. However, the equipment that was earmarked in the last audit finding was purchased during the 1990's and the fire company has no idea how much it cost at the time. The equipment is part of the inventory list, but information is missing due to the length of time involved.

Public Comment Period #2

- Doug Fleegle, 127 E. Maple Street, inquired if the owners of short-term rental properties approved as grandfathered under the zoning ordinance will need to make changes to their property as outlined in the proposed updates.
- Andy Braden, President of Citizens Fire Company No.1, invited Council members to take a tour of the fire department.

Announcement

President Shearer announced that Borough Council will conduct its next public meetings on Tuesday, March 8, 2022, and Tuesday, March 22, 2022 beginning at 7:00 PM.

Motion to Adjourn

*Motion to adjourn the meeting by Jane Quairoli, second by Don Barry. The meeting adjourned at 7:54 PM.*

Respectfully submitted,

Roger E. Powl  
Borough Manager