

Palmyra Borough Council Meeting
Tuesday February 13, 2024
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 Matthew Andrews, Anthony Catalani, Nancy Fleegle, Jane Quairoli, and James Tesche. Also in attendance were Borough Manager Roger Powl, Assistant Borough Manager Brenda Pera and Police Chief Andy Winters. Mayor Fred Carpenter and Councilor William Garber were absent from the meeting.

Public Hearing: Liquor License Transfer Request: Christopher Behney –1 East Main Street. President Shearer introduced Josele Cleary, Borough Solicitor, and turned the public hearing over to her to conduct. Solicitor Cleary identified Christopher T. Behney, Jr. as the applicant for the transfer of Liquor License No. R-16170 held by Ninkovich, LLC from 800 Cumberland Street, Lebanon, to 1 East Main Street, Palmyra, PA.

Solicitor Cleary proceeded to outline the format in which the hearing would be conducted and highlighted the presence of the court reporter as emphasis that the proceeding was quasi-judicial. Anyone presenting testimony will have to be sworn in and affirmed. She also presented Administrative Exhibit 1 to the court reporter as a letter dated January 4, 2024, in which Mr. Behney was notified of the date, time and place of the hearing and the intent of the Borough to take 60 days to render a decision. Solicitor Cleary also provided Administrative Exhibit 2 to the court report, which was notice of the record and its decision on Resolution No. 2023-15 on the Ninkovich application decision. She asked Borough Council for a motion to admit the information into the record.

Motion: To admit Administrative Exhibit 1 and 2 into the record of the public hearing. Motion by Jane Quairoli, second by James Tesche. Motion passed.

She then called upon Assistant Borough Manager, Brenda Pera, as a witness for the Borough. Upon the conclusion of Ms. Pera's testimony, Solicitor Cleary opened the floor to the applicant. Mr. Behney introduced himself as the property owner and provided testimony regarding his intention with opening a piano bar at the 1 East Main Street property. He provided photos as Exhibits outlining the number of parking spaces available in the three to five block radii of his property, citing 196 spaces.

Upon conclusion of his testimony about his intentions, Mr. Behney proceeded to provide testimony regarding his individual experiences in running multiple establishments the relationship with his brother, a general overall introduction into the hardships of his life and addressed the accusations that he is a racist.

After Mr. Behney's testimony, Solicitor Cleary opened questions of the witness to the audience, upon which Mr. Behney announced that he would not be answering any questions from the audience.

The following individuals provided comments and asked questions of Mr. Behney:

- Patricia Steely, NAACP Committee member – reminded Council that Mr. Behney has an outstanding \$40,000 judgment stemming from racial comments he made to Mr. Ricky Bugg at the Just Wing It restaurant in Annville. She inquired about the year that Mr.

Behney gave up ownership of Just Wing It. Mr. Behney invoked his fifth amendment rights.

- Ricky Bugg, Sr., 51 N. Village Circle, Palmyra – stated that he would like to visit a restaurant as described by Mr. Behney. He also provided testimony to refute Mr. Behney’s testimony about a story he told regarding meeting his son, Ricky Bugg, Jr. at Arooga’s in Hershey. He explained that either his son is lying, or Mr. Behney is lying.
- Ryan Kelly, 134 N. Chestnut Street – stated that Council needs to allow something in the property at 1 East Main Street. He implored Council to enact policies to enable Palmyra’s Central Business District to grow without all the drama of conducting a hearing like this hearing.
- Nathan Harman, 16 N. Railroad Street- addressed Mr. Behney’s testimony that Hartman Home Improvements is performing the construction work to improve the property at 1 E. Main Street. Mr. Harman stated that he does not have a signed contract for the work and will not be working at the property without the Borough’s approval of the liquor license transfer because his loyalty is to Palmyra first.
- Thomas Miller, former Vice-President of Borough Council – addressed the need for Council to consider allowing this transfer as a means to help promote the start of a downtown revitalization.
- Paula Bugg, 51 N. Village Circle, Palmyra – Agreed that progression is needed and stated that the Borough needs new businesses but with businesspeople with integrity.

Solicitor Cleary called again for any additional testimony. Hearing no other testimony, Council passed the following motion:

Motion: To close the public hearing. Motion by Jane Quairolì, second by Beth Shearer. Motion passed.

At 8:39 PM, Council adjourned into an executive session to confer with their legal counsel. President Shearer reconvened the meeting at 9:00 PM.

Motion: To adopt Resolution #2024-10, denying the request of Christopher T. Behney, Jr for an intermunicipal transfer of a liquor license in the form presented at this meeting. Motion by James Tesche, second by Jane Quairolì. Motion passed unanimously.

Public Comment Period #1

There were no public comments.

Consent Calendar

- a. Approve the minutes of the January 23, 2024, Borough Council meeting.

Motion: To approve the consent calendar. Motion by Jane Quairolì, second by Nancy Flegle. Motion passed.

Action & Discussion Items

- a. Resolution #2024-11 – Appoint Borough Resident to Regional Police Commission:

Chief Winters informed Council that Sam Carroll, 221 S Railroad Street, rescinded his interest in the position.

Motion: To approve Resolution #2024-11, appointing Donald E. Barry, Jr., 711 N. Grant Street, to serve the remainder of the (2) two-year term vacated by Matthew

Andrews on the Western Lebanon County Regional Police Commission, expiring December 31, 2025. Motion by Jane Quairolì, second by James Tesche. Motion passed.

b. Past Due Debt Collection – Approve Foreclosure Proceedings:

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

- *Keith Badger, 120 S. Lincoln Street, for a delinquent balance of \$3,255.95*
- *Ronald & Deborah Varner, 141 N. College Street, for a delinquent balance of \$2,980.07*
- *Dennis Berry, 548 N. Chestnut Street, for a delinquent balance of \$2,860.55*
- *Jason Miller & Diane Laventure, 27 N. Locust Street, for a delinquent balance of \$2,778.85*
- *Ian Daski & Ashley Purnell, 808 E. Birch Street, for a delinquent balance of \$2,762.99*
- *Connie Patrick, 612 W. Oak Street, for a delinquent balance of \$2,717.53*
- *Daryl Heller, 221 N. Locust Street, for a delinquent balance of \$2,526.49*

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

Reports

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

b. Financial Report:

1. Financial Statement: The January 2024 report will be available at the February 27th meeting.
2. Delinquent Sewer & Refuse Account Report: Ms. Pera provided a copy of the January 2024 report.

c. Fire Department: There was no report.

d. Police Department: Chief Winters highlighted the training that took place since January.

e. Planning Commission: The Commission did not meet in January.

f. Public Works Department:

1. Superintendent's Monthly Report: Mr. Powl provided a copy of the January 2024 report.
2. Borough Properties:
 - a. Municipal Building – 325 S. Railroad Street:
 - Building Renovations Update: Mr. Powl mentioned that there is only one item on the punch list that should be addressed this week and then the project is complete.
 - b. Public Works Department – 910 E. Broad Street:
 - Cell Tower Update: Mr. Powl reported that Shentel has placed this project on hold.
 - c. Town Square:
 - d. Vacant Lot – 40 E. Front Street:
 - e. Vacant Lot – Northeast corner of the intersection of N. Lingle Ave and W. Main Street:
 - f. Vacant Lot (Shaffer-Erb Tract) – south side 900 Block East Cherry Street:

3. Cemetery:
 4. Parks: (Heritage Park, Palmyra Memorial Park, and Southeast Park) Mr. Powl mentioned a large evergreen tree fell at Southeast Park during a recent storm and clean-up will need to wait until the Public Works can access the area.
 5. Refuse & Recycling:
 6. Sewer System:
 7. Sinkholes:
 - a. New: None
 - b. Old:
 1. 800 Block E. Main Street: (Center turn lane of US422 in front of Sheetz)
 2. 223 S. Locust Street: (PASD failed injection well)
 8. Stormwater Management:
 - a. Phase A Stormwater Management System – Basin Improvement Project Update: Mr. Powl inquired if Council wanted an official groundbreaking event for this project. They agreed that no ceremony was necessary, but Councilor Quairoli wants to be present to watch the first bucket of dirt being removed when the project starts.
 9. Street & Alley Maintenance: Councilor Andrews mentioned an alley between N. College and N. Railroad streets has some large potholes.
 10. Traffic Signals:
 11. Other:
- g. Solicitor's Report: There was no report.
- h. Zoning & Codes Enforcement: Mr. Powl provided a copy of the January 2024 report. No Zoning Hearing Board hearings were scheduled in February 2024.
- i. Borough Manager's Report: Mr. Powl provided the cost proposals for replacement of the HVAC controls system in the municipal center. All bidders were COSTARS contractors, so the Borough can choose any of the contractors. The bids were Nexgen \$69,500; Trane \$74,150, Oaesys \$85,000, and NRG Controls, Inc. \$150,000. Mr. Powl recommended throwing out the high and low proposals. He also mentioned that Nexgen is owned by Chief Andy Winters's uncle. Councilor Quairoli commented that she does not like the possible perception of impropriety that could occur with hiring Nexgen. Mr. Powl stated that of all the presentations, Oaesys was the preferred contractor from a staff perspective.

Motion: To offer the contract to replace the HVAC controls system in the municipal building to Trane at a proposed cost of \$74,150. Motion by Beth Shearer, second by James Tesche. Motion passed.

Other Business

There was no other business.

Public Comment Period #2

There were no public comments.

Announcement

President Shearer announced that Borough Council will conduct its next public meetings on Tuesday, February 27, 2024, and Tuesday, March 12, 2024, beginning at 7:00 PM.

Motion to Adjourn

Motion to adjourn the meeting by Jane Quairola, second by Nancy Fleegle. The meeting adjourned at 9:19 PM.

Respectfully submitted,

Roger E. Powl
Borough Manager