

MINUTES OF THE CORNWALL BOROUGH COUNCIL MEETING
HELD ON MONDAY, JULY 8, 2019 AT 6:30 P.M.
IN THE CORNWALL BOROUGH OFFICE

The meeting was called to order at 6:30 p.m. by Council President John Karinch.

PLEDGE OF ALLEGIANCE

PRESENT

Gerald Boughter, John Karinch, Marie Tribioli, Steve Tribioli, Ron Ricard, Beth Yocum, Al Brandt and Mark Thomas.

APOLOGY

John Karinch apologized for the conduct at last month's meeting. Council engaged in a few unprofessional exchanges and in the future those discussions will hopefully take place in executive session.

PUBLIC

Meeting attendance sheet is attached hereto.

PUBLIC COMMENT – WATER & SEWER QUESTIONS ONLY

No comments

WATER & SEWER BUSINESS

MINERSVILLAGE PAX MIXER

The tank is online, but they are still waiting for Suez to install a new PAX Mixer after the old one recently failed. The cost of replacement is covered under the service contract.

CORNWALL ROAD FLOW METER

The flow meter was installed by Stover a month ago. When asked to tie the new meter into SCADA, they found a part was missing. Instead of replacing the part, a whole new meter was installed. The new meter was still unable to be connected to SCADA. Stover would like to get Allied Controls involved, at their cost, to try to solve the problem.

DRY HYDRANT

ISO did a fire flow study and the report will likely be available in September or October. They were made aware of the likely implementation of the dry hydrant at the open pit. John Karinch mentioned that it would be a permanent pipe, but Fire Chief Tim Quinlan said he didn't think it was necessary. John Karinch and Marie Tribioli both felt the permanent pipe was the best solution.

Barb Henry mentioned that the Cold Springs tank is offline. It was recently renovated inside and out. It will remain offline. DEP suggested this as it creates too much capacity when it is online which reduces the water quality. Keeping it online would also necessitate fixing a difficult to locate leak near the tank.

OUT-OF-BOROUGH WATER SERVICE

John Karinch mentioned that he and Barb Henry talked about out-of-borough water service. Barb Henry explained that they were requested to give a water permit to a lot in Chesterfield Estates in North Cornwall. As an Authority that would not have been an issue, but the borough must maintain its municipal boundaries. Barb Henry felt they should reach out to the Public Utilities Commission (PUC).

Solicitor Josele Cleary said she spoke to the deputy council at the PUC and he was not intimately familiar with the case. Solicitor Cleary said according to prior PUC proceedings, the Borough filed a petition for declaratory judgement to have the PUC determine that if it assumed the Authority's extraterritorial service it would not become a public utility and the service would not become jurisdictional. That is important, because if a municipality provides direct extraterritorial service to customers that the PUC decides is significant enough to be deemed jurisdictional, then it becomes a regulated public utility where the PUC would set the rates, which is a long, time-consuming, expensive process. When the Authority was dissolved, the Borough filed the petition for declaratory judgement. A map was included with the petition and when the PUC granted that relief, the property in question was included. Solicitor Cleary mentioned that in addition to that property, the Alden Place properties on the map can also be connected, but no other properties can be connected without going back to the PUC.

John Karinch mentioned that the property on the north side of Zinn's Mill Road that was previously discussed is in Cornwall Borough.

REPORTS

DIRECTOR'S WATER AND SEWER REPORTS

Gerald Boughter made a motion, seconded by Marie Tribioli to approve the Director's Treasurer's report. Motion passed.

Gerald Boughter made a motion, seconded by Marie Tribioli to approve the Director's Secretary's report. Motion passed.

PUBLIC COMMENT – BOROUGH BUSINESS

Mark Dutchess thanked the board for the apology to start the meeting as he felt it got out of hand last month. He thinks everyone is there to serve the community and hopes all the decision making is beneficial to the residents.

APPROVAL OF MINUTES OF JUNE 12, 2019 COUNCIL MEETING

Gerald Boughter made the motion, seconded by Marie Tribioli to approve the minutes from the June 12, 2019 meeting. Motion passed.

REPORTS

Gerald Boughter made the motion, seconded by Marie Tribioli to approve reports as presented. Motion passed.

OLD BUSINESS

BRAKE RETARDER STUDY – FREEMAN DRIVE

Ordinance 2019-2 will put in place the Brake Retarder prohibition with a minimum fine of \$100 and a maximum fine of \$1,000. Ron Ricard hopes the minimum fine could be raised to \$500. He also wishes to see an additional sign added that states the fines. Solicitor Cleary stated that PennDOT has a manual for what is and is not permissible. An additional sign cannot be added. Ron Ricard asked if PennDOT dictates the fines. Solicitor Cleary said in this instance they do not.

Ron Ricard mentioned the brake retarder signs that were not approved by the borough that are on the H&K property. Those signs can be taken down.

Gerald Boughter made a motion, seconded by Ron Ricard to approve the advertisement of Ordinance 2019-2 as is.

STATUS OF 3221 LEBANON ROAD

The dilapidated structures at this property are scheduled to be torn down on July 15, 2019.

ZONING VIOLATIONS

John Karinch asked Solicitor Cleary about intermittent zoning violations taking place in Spring Hill Acres, mostly illegal parking. In this instance, a resident is parking their boat or trailer illegally, but a day or two later it is moved. This has been going on for two years.

Solicitor Cleary said that you can always send a warning letter. If the borough wants to position itself to act, the MPC requires that there be a formal enforcement notice sent. If a formal notice is sent, the resident has 30 days to file an appeal. If they don't file an appeal to the zoning hearing board then there is a conclusive determination that what was in the enforcement notice constitutes a violation of the zoning ordinance. At that point the borough can go to the magisterial district judge seeking penalties and attorney fees. If someone is committing the infraction intermittently, someone willing to testify should take a picture and civil action could be taken.

John Karinch asked Council what they should do in this instance. Al Brandt said the problem in Spring Hill Acres is that there are probably 40 violations out there and if you enforce one, you must enforce them all.

Linda Kohr, Freeman Drive, commented that they received a letter from planning and were forced to move their camper so they feel everyone should be held to the same standard.

Ron Ricard asked if the borough has done any community awareness about the zoning ordinance. John Karinch said they have not sent anything out in the past.

Ms. Kohr said the letter got their attention because they would have been fined \$500 a day if they didn't comply. Mark Thomas asked her if she wishes that torture on everybody and Ms. Kohr said she didn't want it inflicted on her either.

Sending a letter explaining the zoning ordinance with the water bills was discussed. Letters would have to be mailed separately to Spring Hill Acres and Iron Valley Drive. Marie Tribioli mentioned repealing this part of the zoning ordinance if it is not a sight or safety issue.

The decision was made to table the issue to allow further contemplation.

GOOSETOWN BASKETBALL COURT

Marie Tribioli wanted to talk about the basketball court that had previously been discussed. Tom Smith was not in attendance. Gerald Boughter would like to see it put in, so kids are not playing on the street. Cody Rhoads will check with Tom Smith to see what plans there are for the court. Marie Tribioli thinks there would be enough room there for a bocce court as well.

NEW BUSINESS

STECKBECK ENGINEERING

Scott Rights was in attendance to answer any questions about the firm. John Karinch had asked Solicitor Cleary after the last meeting if Steckbeck Engineering could submit a proposal to become engineer again and he was told they could.

Scott Rights said he didn't know the history of what took place, but maybe some members of council did not see eye to eye with Jeff Steckbeck. Mr. Rights went over which members of the staff would handle which operations for the borough if they were brought back. Mr. Steckbeck would not interact with the borough anymore.

Ron Ricard asked where Steckbeck Engineering stood with ongoing projects and why it would potentially cost so much to switch firms. Mr. Rights said the expense would be in collecting files, transferring files or answering questions about projects.

John Karinch asked what it would cost for a new engineering firm to get up to speed. Mr. Rights said they have been the engineering firm for 25 years and there is a lot of knowledge amongst the staff.

Mark Thomas referenced a past price comparison done by council that said Steckbeck Engineering was 30% cheaper than Hanover Engineering. Mr. Rights thought there was a study done in 2013 or 2014 and it was in reference to plan reviews. He also mentioned that most times those costs are passed on to the developers and not paid out of pocket by the borough. Mr. Rights further talked about pricing and costs.

Mark Thomas said he couldn't tell you how many times he's called Jeff Steckbeck with a question. He said Jeff has always looked out for the borough. Mr. Rights said Mr. Steckbeck solves a lot of problems outside of the engineering box. Mark Thomas said in 2010 when the borough was flat broke that Jeff Steckbeck provided a lot of input and wisdom about how to navigate as a borough.

John Karinch referenced the costs of the proposals. He said in 2015 Hanover charged the borough \$8,737 for meetings. He then talked about when Gannett Fleming was going to be contracted to run a new water line in Cornwall Center. The study would cost \$86,000 and the project over a million dollars. Jeff Steckbeck suggested to put a dry hydrant in for \$5,000. John Karinch understands that there are problems between some members of council and Jeff Steckbeck, some of which may be justified. John believes they are losing a lot of knowledge with the rest of the staff and thinks council is doing the borough a disservice if they don't retain them.

Mark Thomas said he talked to Doug Dresch from ELCO School District and he was unsatisfied with a job he just had done by Hanover Engineering. The job was supposed to cost \$4,000-5,000 but his bill was over \$20,000. Mark Thomas called someone else to see what the project cost and was told \$4,000-8,000.

Al Brandt said he got on council to do the work of the people. He said he has no personal affiliation with Steckbeck but the borough had Hanover and got rid of them because they cost too much. He felt getting rid of Steckbeck in totality was a fatal mistake and would cost the borough money. If there is problem with one person, they should get rid of that person and continue.

APPOINT ENGINEER

Marie Tribioli made a motion to appoint Hanover Engineering as engineer. Gerald Boughter seconded the motion. John Karinch said the two people Hanover would be sending to the borough are not engineers and he thinks that is a disservice. He also said Hanover did not have anyone to deal with water and sewer so the borough would have to hire someone else for that. Marie Tribioli and Beth Yocum corrected him that Hanover does have an engineer to deal with water and sewer.

Solicitor Cleary said the motion should be clarified to determine if the new engineer would take over all new projects or all projects from this day forward.

Marie Tribioli amended her motion to say Hanover Engineering would take over all projects from this point forward.

Mark Thomas said he doesn't know why she would do that. If she really cared, she'd let Steckbeck finish out open projects. Mark Thomas told Gerald Boughter he was terrible if he voted for this. Steve Tribioli told Mark Thomas not to talk to Gerald Boughter that way. Mark Thomas said he'd talk to him that way if he's going to treat the people of Cornwall that way.

Gerald Boughter seconded the amended motion. The vote went to a roll call. Gerald Boughter "aye", Ron Ricard "aye", Steve Tribioli "aye", Marie Tribioli "aye", Al Brandt "nay", John Karinch "nay", Beth Yocum "nay". Motion passed.

AMBULANCE SERVICE

John Karinch went over where the borough stood regarding ambulance service moving forward. Council is still waiting on information.

Lois Novosel, Pine Street, asked a question regarding the service. She has a membership with First Aid and Safety and wondered if they would still come if the borough changed providers. She was told they would not. 911 would dispatch whoever was on the borough's call list.

Marie Tribioli explained that all the services are coming to the borough now for money. John Karinch said nobody in the state will have free service down the road. Marie Tribioli said the ambulance committee should give council the information they have so they can work towards a decision.

Beth Yocum asked if they have the necessary information to make a decision next month. She was informed that Northwest and LifeLion have submitted their proposal, while First Aid and Safety has not given all the information.

SUNOCO PIPELINE PERMIT EXTENSION REQUEST

Gerald Boughter made the motion, seconded by Ron Ricard to approve Sunoco's extension request for the following permits: Road Occupancy Permit: Tice Lane (LE-0063-RD), Road Occupancy Permit: Culvert St (LE-0067-RD), Temporary Driveway Permit: Tice Lane (LE-0063-DWP), Temporary Driveway Permit: Tice Lane (LE-0063-DWP2), Temporary Driveway Permit: Culvert St (LE-0067-DWP), Temporary Driveway Permit: Culvert St (LE-0067-DWP2). Motion passed.

LEBANON COUNTY CBDG

Discussed the upcoming grant opportunity. Cody Rhoads will attend the meeting on July 11th to gather more information.

457 PLAN

Cody Rhoads updated the board on the possibility of having a third-party administrator oversee the employees' retirement plan. This is in the early stages and there will be further information next month.

CHARLES BEARD RESIGNATION

Gerald Boughter made the motion, seconded by Al Brandt to accept the resignation of part-time police officer Charles Beard. Motion passed.

FINAL COMMENTS

Marie Tribioli asked about putting a stop sign on Palmer Street, but that road has not been dedicated to the borough yet.

Ron Ricard asked about the borough plowing state roads and being reimbursed by PennDOT. He saw a local municipality agreed to that recently. John Karinch said the borough had done that in the past, but Tom Smith did not think it was worth it.

Scott Rights asked about the process of transferring files.

ADJOURNMENT

Gerald Boughter made the motion, seconded by Beth Yocum to adjourn the meeting at 7:53 p.m.
Motion passed.

Cody Rhoads
Secretary