

MINUTES OF THE CORNWALL BOROUGH COUNCIL MEETING
HELD ON MONDAY, MARCH 9, 2020 AT 6:30 P.M.
IN THE CORNWALL BOROUGH GARAGE

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

PLEDGE OF ALLEGIANCE

PRESENT

John Karinch, Marie Tribioli, Steve Tribioli, Ron Ricard, Al Brandt, Thomas Burton, Mayor Mark Thomas and Manager Cody Rhoads.

ABSENT

Gerald Boughter

PUBLIC

Meeting attendance sheet is attached hereto.

SPRING HILL ACRES SEWER

Since there was a big crowd, John Karinch wanted to address a rumor that has been going around that the borough intended to put sewer in Spring Hill Acres. He said that the borough does not want to do that now or in the future as the cost would be prohibitive to the residents. He thought that rumor might have started due to the OLDS ordinance on the agenda tonight.

After a question from the audience, Mr. Karinch said that the only way the state would mandate sewer being installed is if there is a 30% failure rate for the on-lot systems. There was some question as to what constitutes a failure. Mr. Karinch asked Solicitor Josele Cleary for her interpretation.

Ms. Cleary said the ordinance is designed to limit the amount of failures. If there are failures, the county would issue a permit for repairs and DEP can track the number of permits issued. She said ultimately DEP has internal thresholds as to what would constitute the need for sewer to be installed. There is no hard and fast number that DEP follows that she can relay.

Mr. Karinch said many local municipalities have an OLDS ordinance and the borough wants to be proactive instead of reacting when DEP says we need one.

Someone asked if the cost was known if someone refuses to pump and the borough must litigate. Ms. Cleary went over the process that other municipalities follow in those instances.

The same resident asked what would happen if a house did not pump and was then was foreclosed on. The borough would be stuck with the cost of enforcement. Ms. Cleary said the borough would have prosecutorial discretion.

A resident asked if there was an expectation on how many septic systems would fail. He thought his would fail and he knew others who think theirs will as well. He lives alone and has only had it pumped once in 15 years. Mr. Karinch stated some of the new anti-bacterial soaps has killed the good bacteria in septic systems and it should be pumped more often than it might have been in the past.

There was another question about failures. Ms. Cleary reiterated that she can't guarantee anything. Requirements continually change. If everyone maintains their system and gets them pumped on the required basis, everyone will be better off.

Al Brandt asked if everyone with a system could get it pumped now, could they avoid the issue of failures? It was stated that the county would still have record of the permits issued for any repairs or replacements.

A resident asked if he recently had his system pumped, would he still be required to pump again. He was informed that there is a grace period provided if he has the documentation.

Marie Tribioli asked why Spring Hill residents weren't more concerned about pumping their septic systems since everyone is serviced by well water. If there was a failure, it could be tainting that water.

A resident asked if there was a standard for the inspections. He was told that any licensed hauler would be looking for the same items.

A resident was concerned that the door is slightly open for the possibility of sewer being required in Spring Hill Acres down the road, especially with Maryland suing Pennsylvania over the pollution of the Chesapeake Bay. Mr. Karinch said that in 10-15 years, DEP might require any development with over 50 houses have sewer installed. It's impossible to know at this point.

PUBLIC COMMENT – WATER & SEWER QUESTIONS ONLY

No comments.

WATER & SEWER BUSINESS

REPORTS

Al Brandt made the motion, seconded by Marie Tribioli, to accept the water and sewer reports. Motion passed.

Al Brandy made the motion, seconded by Marie Tribioli, to accept the treasurer's reports. Motion passed.

Al Brandt made the motion, seconded by Steve Tribioli, to accept the secretary's report. Motion passed.

Barb Henry advised that most of the meter replacement in Karinchville is completed and the staff likes the new system.

PUBLIC COMMENT

Grayson Clark, Spring Hill Lane, brought up safety concerns for the entrance of Spring Hill Acres. Mr. Clark said that during rush hour it takes quite a while to pull out and when you do, you are risking your life. He wanted to know if there was anything in the works to improve the safety.

John Karinch said that it was discussed within the last two years, but PennDOT was not willing to make any changes to the intersection. He said it had been discussed in the past about having a second entrance and exit to the development.

Nate Walmer, Spring Hill Lane, heard that there was the possibility of a piece of land being used for another entrance. Al Brandt said that someone else owns that property and the problem is that it is landlocked between the power lines and Camp Shand.

Marie Tribioli said that 30 years ago the borough had an agreement to use that land as a second entrance, but the residents of Spring Hill Acres came to council and said they did not want one. The borough didn't move forward at that point and the borough lost the option to purchase that land at the time.

Mayor Thomas recommended the residents organize and call their local representatives to voice their issues. Since 322 and 72 are both state roads, the borough is limited in what they could do.

One resident said that it was tempting to bypass the line if you are turning right, but he feels that exacerbates the problem because then those waiting to turn can't see. It was mentioned that there were lines painted at one time to prevent that.

A group of residents from Palmer Street were in attendance because one of their neighbors is using their house as an AirBNB. John Karinch said that there was one operating in Iron Valley in the past and Solicitor Cleary said there was nothing the borough could do about it.

Ms. Cleary clarified that the Pennsylvania Supreme Court has reversed the Commonwealth Court's decision on the subject within the last year. When a zoning ordinance permits a dwelling, it is not transient. Ms. Cleary said the borough's zoning ordinance allows for a guest house, which would be owner occupied.

The residents said the neighbors leave when the renters arrive. Ms. Cleary read the requirements to be considered a guest house. She suggested that county planning contact the owners because at the least they are probably operating without a permit. Ms. Cleary suggested the county should first check if it is permitted as one dwelling or two dwellings, because the advertisement suggests there are two dwelling units.

A resident asked if the borough was still considering borough-wide trash hauling. He was told they are not.

A resident asked if anyone had information about the Spring Hill Acres Homeowner's Association. Council did not have any information to pass onto him.

APPROVAL OF MINUTES OF FEBRUARY 10, 2020 COUNCIL MEETING

Marie Tribioli made the motion, seconded by Ron Ricard, to approve the minutes of the February 10, 2020 meeting. Motion passed.

REPORTS

Al Brandt made the motion, seconded by Ron Ricard, to approve the reports. Motion passed.

OLD BUSINESS

SNITZ 2 PROJECT

John Karinch said he was pleased to announce that the Kralls have agreed to sell the borough one acre of their property which will allow an important MS4 project to proceed.

ROUTE 72 BRAKE RETARDER – ALAN WOOD

Alan Wood, a resident of Alden Place, brought information to council about "brake muffler required" signage being needed as opposed to "brake retarders prohibited". He said the noise produced by the trucks has become quite excessive.

Solicitor Cleary mentioned that there is an ordinance in place that addresses brake retarders on Route 419. PennDOT approval would be needed to amend the ordinance. The borough will reach out to PennDOT again.

AUTHORIZE ADOPTION OF OLDS ORDINANCE

Ron Ricard made the motion, seconded by Marie Tribioli, to authorize the adoption of the on-lot disposal system ordinance. Al Brandt voted "nay". Motion passed 5-1.

NEW BUSINESS

GOOSETOWN BASKETBALL COURT

John Karinch said he normally doesn't do this, but he wanted to make a motion that when the court is finished that a plaque is installed recognizing Gerald "Jug" Boughter. Mr. Boughter is a lifelong resident of Goosetown and Mr. Karinch felt he should be recognized for everything he has done for the community. Steve Tribioli seconded the motion. Motion passed.

SPRING HILL ACRES, ZONING ISSUE

Nate Walmer, Spring Hill Lane, wanted to address the ordinance related to parking his trailer in front of the property line in Spring Hill Acres. He has gotten quite a few calls from county planning about not adhering to this ordinance. He felt this is a hardship for the residents of SHA. He also did not agree with the prohibition of cutting trees down.

John Karinch said he did not see the ordinance ever changing. The residents of SHA helped craft the ordinance. Mr. Karinch felt a lot of the residents are in favor of the ordinance because it helps keep property values up.

Mr. Walmer intends to build a second driveway that will allow him to park his vehicles behind the front line but needs some time to complete that.

Another resident of SHA said that he also got a letter last year because his trailer, even though not easily seen from the road, was parked in front of his house line. Mr. Walmer said planning told him it was because one resident complained about many zoning issues and the county issued 40 citations.

Al Brandt, who lives in SHA, said this issue is not new. The problem is Mr. Walmer was not informed of these restrictions before he moved in. Mr. Karinch said he's had to move his RV in the past. Mayor Thomas was forced to move his as well. The ordinance doesn't only impact SHA.

Marie Tribioli said she agrees with Mr. Walmer. It's their land and they should be able to use it as they see fit.

Mr. Karinch said that if they change this ordinance, then they must change something else for the next person and so on.

Cody Rhoads told council that Mr. Walmer was issued a home occupation permit by county planning. Ms. Cleary said that having the permit does not absolve the homeowner from the parking issues.

Stan Alekna, Aspen Lane, felt that county planning did not have the authority to issue a permit without council approval. Ms. Cleary responded that the county does have that right. Mr. Karinch said that it says right in the ordinance that council needs to approve such a permit. Ms. Cleary said that was for a home business, not a home occupation and went on to explain the differences.

Mr. Walmer went over his issue again and wanted it known that even though he will be able to rectify his situation, he felt it was unfair to other homeowners in SHA.

Mayor Thomas said Mr. Walmer should rally his people to contact the borough if he wants to see changes made to the ordinance.

Mr. Alekna said the residents of SHA for years were all for having the ordinance and it is a good ordinance.

Mr. Walmer asked for an extension for his project. Mr. Karinch said he can have his extension and the borough needs to check into how long he has to complete his improvements. Mr. Rhoads confirmed with council that they do not want to proceed with any enforcement over the violations at this time.

BASEBALL FIELD USE

Ann Kline was in attendance representing Matt Sanders, who has formed a new baseball team. She said the team is comprised of Cornwall kids, but does not play in CQM. Ms. Kline stated they contacted CQM to utilize one of the fields three hours per week but were denied. Her interpretation of the ordinance was that anyone could use the field.

John Karinch asked Solicitor Cleary if this new group was able to use the fields. Ms. Cleary stated that she did not know how the borough scheduled the use of fields for organizations, but anyone should be able to use them.

Bryce Martin of CQM said that the organization has put a significant amount of money into the fields. CQM's issue was that Mr. Sanders was not a resident of the borough and they were playing in a Northern Lebanon league now.

A resident said all the kids are from Cornwall. It was agreed that they could use the field and then suddenly, they were told they couldn't.

Cody Rhoads said that he was originally told that CQM gave their approval. However, the person he spoke to might not have relayed the correct information. He wanted both groups to attend the meeting tonight so that everyone could get on the same page and understand the expectations going forward.

Bruce Conrad, Karinch Street, said that CQM has a 53-year relationship with the borough. The organization puts money into the fields and has storage facilities at the fields. He said they've also gotten some calls from kids who were upset they were not asked to play on the new team that was formed. Mr. Conrad felt it would be a hardship to accommodate the new team while also maintaining enough time for practice for CQM teams.

Ms. Sanders said all they are asking for is three hours a week. She does not feel like it is a major thing to ask for.

A resident said that it's always been CQM and that's the way it should stay.

Mr. Martin reiterated that all the kids that are playing for the new team are welcome to play at CQM. He wants to see an agreement.

Mr. Karinch directed the two sides to get together and try to work something out.

NORTHGATE ACTION PLAN

Al Brandt made a motion, seconded by Steve Tribioli, to allow Solicitor Cleary to address the Northgate Action Plan crafted by Hanover Engineering.

Steve Dellinger, Hanover Engineering, also went over the value of the letter of credit that the new owner of Alden Place will need to provide to replace Cornwall Associates' letter of credit.

Ms. Cleary stated that the new owner needs to start the process to replace the existing letter of credit. At this point, the borough has no need to act because there is a letter of credit already in place.

2020 ROAD PAVING PROJECTS

Marie Tribioli made a motion, seconded by Steve Tribioli, to approve advertising for bids for the 2020 road paving projects. The paving projects will be Burd Coleman (Rexmont to Burd Coleman), Boyd Street (Rt. 419 to Sam Weiss') and Boyd Street (Granite to H&K site). The chip seal will be Boyd Street (H&K site to Rt. 322) and Willow Street (Anthracite to Rt. 419).

Cody Rhoads would also like to get the sewer cut on Rexmont Road paved. Council agreed to do that. The project will fall below bidding limits.

SOUTH LEBANON WASTE SITE

John Karinch said that South Lebanon is constructing their own green waste site and wants to know if the borough is interested in an agreement. Council would like to get more information.

60 ANTHRACITE ROAD, CONDITIONAL APPROVAL

Al Brandt made a motion, seconded by Marie Tribioli, to grant conditional approval for the annexation at 60 Anthracite. Motion passed.

329 BOYD STREET

Steve Tribioli made a motion, seconded by Al Brandt, to approve the architectural compatibility for a garage to be constructed on the property. Motion passed.

339 BOYD STREET

Steve Tribioli made a motion, seconded by Al Brandt, to approve the architectural compatibility for a shed to be constructed on the property. Motion passed.

SUNOCO ROAD USE EXTENSION

Al Brandt made a motion, seconded by Ron Ricard, to approve the Sunoco Road use agreement to expire April 10, 2021. Marie Tribioli voted "nay". Motion passed 5-1.

NEW COPIER LEASE

Marie Tribioli made a motion, seconded by Steve Tribioli, to approve a five-year lease with Marco at \$193.29 per month. Motion passed.

ADJOURNMENT

Marie Tribioli made a motion, seconded by Ron Ricard, to adjourn the meeting at 8:55 p.m. Motion passed.

Cody Rhoads
Secretary