

MINUTES OF THE CORNWALL BOROUGH COUNCIL MEETING  
HELD ON MONDAY, JULY 13, 2020 AT 6:30 P.M.  
IN THE CORNWALL BOROUGH GARAGE

Council President John Karinch called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT

Council President John Karinch, Council Vice President Ron Ricard, Marie Tribioli, Steve Tribioli, Al Brandt, Thomas Burton, Bruce Conrad, Mayor Mark Thomas and Manager Cody Rhoads

PUBLIC

Meeting attendance sheet is attached hereto.

PUBLIC COMMENT – WATER & SEWER

Jesse Wentling, 21 Palmer Street, said his water bill went up. Another resident commented that many homes on Palmer Street saw their bills go up. They questioned whether the recent water main break was the cause of the increase. They were informed the water main break has no effect on the meter read inside the home. Barb Henry will investigate possible causes.

WATER & SEWER BUSINESS

REPORTS

Ron Ricard made the motion, seconded by Marie Tribioli, to approve the director's water and sewer reports. Motion passed.

PUBLIC COMMENT

No public comment.

APPROVAL OF MINUTES

Ron Ricard made the motion, seconded by Steve Tribioli, to approve the minutes of the June 8, 2020 and July 6, 2020 council meeting. Motion passed.

REPORTS

John Karinch asked about the guiderail replacement on Boyd Street as he did not remember it being budgeted. Tom Smith said it was not in the budget but there was an accident that damaged 120 feet of guiderail. It was decided to replace the whole 870-foot stretch of guiderail instead of just the damaged portion. The driver's insurance covered the portion that was damaged in the accident. Cody Rhoads said there was room in the budget to complete the rest of the replacement.

Marie Tribioli made the motion, seconded by Steve Tribioli, to accept the reports. Motion passed.

John Karinch also read the borough's revenues, expenditures and EIT collections for the year to date into the record.

#### OLD BUSINESS

##### KRALL PROPERTY

Solicitor Josele Cleary reviewed with the board the best way to approach purchasing the one acre of land for the MS4 project.

Bruce Conrad asked if there was a difference between condemnation and eminent domain. Solicitor Cleary said there is not. Mr. Conrad was under the impression the borough could not use eminent domain for an MS4 project. Solicitor Cleary said it was possible that it was a condition for the grant, but otherwise that is not the case.

Thomas Burton asked if the land the borough is looking to purchase is on both sides of the stream. The land is only on the east side of the stream.

John Karinch is going to meet with the Kralls to explain the terminology of the sale and then the borough can move forward with having the property surveyed.

##### DAIRY ROAD PUMP STATION

John Karinch said he received an update from Act One regarding the pump station. Bruce Conrad and Ron Ricard said they had discussed the billing issue at the water and sewer committee meeting.

#### NEW BUSINESS

##### WAIVER FOR ARCHITECTURAL COMPATABILITY, 300 BURD COLEMAN

Ray Fratini, chairman of planning, talked to the board about the historical overlay buffer and how it pertains to the property. Planning commission approved the waiver, but Mr. Fratini wanted council to have all the information.

Al Brandt made the motion, seconded by Thomas Burton, to table the request until next meeting. Motion passed.

##### AUTHORIZE SALE OF 2001 F-450

Al Brandt made the motion, seconded by Steve Triboli, to authorize the sale of the 2001 F-450 for \$11,400. Motion passed.

##### INSURANCE RENEWAL

Cody Rhoads went over the two quotes he received for the insurance renewal on August 1<sup>st</sup>. Strickler Insurance, who is the borough's current provider, quoted \$61,344 which was a decrease of \$4,000 from last year. Mr. Rhoads recommended that cyber insurance be added which would add \$1,500. Bowman Insurance quoted \$57,096, but also felt there were some coverage gaps that would add about \$3,500 to their quote. Mr. Rhoads got references for Bowman from North Lebanon, Swatara and Bethel. All three recommended the company. Mr. Rhoads said Strickler has also been very good to the borough. Ron Ricard made the motion, seconded by Marie Tribioli, to accept Bowman Insurance's quote for coverage beginning August 1<sup>st</sup>. Motion passed.

#### APPLICATION FOR COUNTY AID

Al Brandt made the motion, seconded by Ron Ricard, to submit the application for county aid in the amount of \$4,112. Motion passed.

#### REQUEST TO REPLACE 2015 DODGE CHARGER

Chief Harris requested to replace the 2015 Dodge Charger with a new model. The cruiser would be purchased with federal drug forfeiture funds. Al Brandt made the motion, seconded by Steve Tribioli, to approve the purchase of a new cruiser. Motion passed.

#### GOOSETOWN FOOT BRIDGE

Marie Tribioli made a motion, seconded by Steve Tribioli, to have Tom Smith repair the foot bridge in Goosetown at a cost of \$300. Motion passed.

#### CHIEF HARRIS RETIREMENT LETTER

Chief Harris submitted a letter to council that stated he will retire no later than May 9<sup>th</sup>, 2021. Ron Ricard made the motion, seconded by Al Brandt, to accept Chief Harris' retirement letter. Motion passed.

#### GUEST HOUSE/AIRBNB, 36 PALMER STREET

The owners of 36 Palmer Street, Ace Herman and Ashley Meade, were there to address their pursuit of a permit to operate the property as a guest house. They have installed the screening necessary and are looking to expand the parking to meet requirements. They confirmed that they stay in the basement when guests are using the property.

Bruce Conrad brought up the fact that an additional EDU would need to be purchased to operate.

Corey Shepler, 43 Palmer Street, said he has concerns about the safety of the neighborhood and property values with the transient nature of the property.

Nicole Marley, 42 Palmer Street, said they did not know the property would be used as a guest house when they bought the property.

Ms. Meade addressed what they do to ensure safety.

Solicitor Cleary said as it stands, they are in violation of the zoning ordinance because they do not have a permit. She stated that paying the hotel tax is not the same as having the proper permit.

Thomas Burton asked Solicitor Cleary if there was any difference, besides exchange of money, from having strangers stay at the house compared to having family members come every weekend to stay. Solicitor Cleary stated that the difference would be that it would no longer be a residential use.

Solicitor Cleary pointed out that county zoning did send a violation notice on June 9<sup>th</sup> that was not appealed to the zoning hearing board.

Jessica Smith, 40 Palmer Street, asked how they can live in the basement if it is a single-family dwelling. She also had questions about the permitted width of a driveway and the safety of the community.

Steve Tribioli asked the owners of the guest house what happened with their property in Swatara Township. The owners said they were operating legally but faced issues with the HOA and decided to move.

John Karinch asked Solicitor Cleary to clarify the situation for everyone in attendance so they can move on. Solicitor Cleary reviewed everything required to operate a guest house. Mr. Karinch asked the owners of 36 Palmer if they were prepared to do everything needed to meet the requirements. The owners said that they were.

Solicitor Cleary reiterated that the guest house should not operate until they are permitted to do so. Cody Rhoads confirmed the county considers the permit pending.

Mr. Tribioli asked how long a permit can be pending for. Solicitor Cleary said she is unsure how county planning handles that.

Mr. Karinch said that moving forward the borough will have to consider whether they want to allow guest houses or not. For now, the owners should work towards getting permitted.

Thomas Manbeck, 39 Palmer Street, said he never would have built his house if he knew a guest house would be operating across the street.

#### STECKBECK ENGINEERING, RE: NORTHGATE

Jeff Steckbeck, Steckbeck Engineering, and Kim Graybill, Pioneer Engineering, were in attendance to address the board regarding the Northgate development, specifically Basin F.

Mr. Steckbeck spoke about the inspection requirements and what was required from the borough engineer at the time of development.

Ron Ricard said that this is all based on the basin working, which it never has and that is the issue.

Mr. Steckbeck reviewed why he was not responsible for the basin not working and said nobody should say in a public meeting that he is responsible for the issues.

Chet Bogar, 1005 Briarwood Court, read from the plan and said it was the engineer's responsibility to inspect.

Solicitor Cleary reviewed the borough's responsibilities as it relates to assuring that the facilities work as constructed.

Cody Rhoads said in his discussions with Louie Hurst, Mr. Hurst does not dispute the basin is not operating properly. He has reviewed the Hanover Report and is willing to do what was listed.

Mr. Hurst wants a written agreement of everything that is to be done so that the Northgate HOA does not continue to request more additions.

Councilman Al Brandt exited the meeting at 8:43 p.m.

Bruce Conrad asked Mr. Graybill a variety of questions related to the construction of the basin.

Solicitor Cleary said that without knowing the agreement between the developer and the HOA, generally the maintenance of the basin would be the developer's responsibility until it is turned over to the HOA.

Mr. Karinch said that he hopes Mr. Hurst and the Northgate HOA can come to an agreement, but the borough does not want to be involved in the issue moving forward.

#### ADJOURNMENT

With no further business to conduct, Marie Tribioli made a motion, seconded by Steve Tribioli, to adjourn the meeting at 8:58 p.m. Motion passed.

Cody Rhoads  
Secretary