

MINUTES OF THE CORNWALL BOROUGH COUNCIL MEETING  
HELD ON MONDAY, SEPTEMBER 14, 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, Thomas Burton, Bruce Conrad, Mayor Mark Thomas and Manager Cody Rhoads

ABSENT

Al Brandt and Steve Tribioli

PUBLIC

Meeting attendance sheet is attached hereto.

PUBLIC COMMENT – WATER & SEWER

No comments.

WATER & SEWER BUSINESS

NEW BUSINESS

REPORTS

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

PUBLIC COMMENT

Ron Morrison, 1011 Brandywine Drive, addressed the board as a resident and member of the Zoning Hearing Board. He read a statement, that was also distributed to council, expressing dissatisfaction about Thomas Burton's actions at the Zoning Hearing Board meeting on September 8<sup>th</sup>. Mr. Morrison asked council to request Mr. Burton's resignation from council or censure him.

Fred Horowitz, 1 Boyd Street, is the chairman of the Zoning Hearing Board and said the third member of the board was very upset about the incident and is thinking of resigning. Mr. Horowitz said this cannot happen in a public hearing, especially when it is a volunteer board.

Mr. Burton denied threatening to "choke" anyone or calling the meeting a sham. He said the terminology he used was "wring some necks" and was talking about the people who wrote the zoning ordinance, not anyone involved with the Zoning Hearing Board.

Manager Cody Rhoads was present at the meeting but stated he engaged in a conversation immediately following adjournment and could not corroborate what Mr. Burton said.

Mr. Horowitz said county planning called the police department to report the incident as they felt the comment was directed at the zoning officer.

John Karinch said it was inappropriate to make those comments regardless if it was during or after the meeting. Mr. Karinch wanted to gather more information, including reviewing the stenographer's transcript from the meeting.

Mr. Morrison said he was not going to let this issue go.

Ron Ricard felt it would be beneficial to record all meetings going forward.

#### APPROVAL OF MINUTES

Bruce Conrad made the motion, seconded by Ron Ricard, to approve the minutes of the August 10, 2020 council meeting. Motion passed.

#### REPORTS

Ron Ricard made the motion, seconded by Bruce Conrad, to approve the reports. Motion passed.

#### OLD BUSINESS

##### KRALL PROPERTY

Russ Collins had informed John Karinch that there is a binding document that would allow Hanover Engineering to complete the survey work for the project. Steve Dellinger said they were awaiting direction from council before doing the work. Council felt it would be best to finalize an agreement before doing any work and Mr. Karinch will continue to reach out to the Kralls.

##### SOUTH LEBANON WASTE SITE

Bruce Conrad made the motion, seconded by Marie Tribioli, to sign an agreement with South Lebanon Township that would allow Cornwall residents to utilize the new recycling facility. Motion passed.

#### BOARD OF HEALTH

Solicitor Cleary had offered her opinion on suspending the Board of Health as opposed to disbanding it. After further discussion, council wanted to do more research before making a definitive decision.

#### INSURANCE ADDITION

Cody Rhoads followed-up with the borough's insurance agent. The agent felt that with the police department's amount and type of calls it would be fine to continue self-insuring as the borough has been doing.

#### NEW BUSINESS

##### JULIE CHEYNEY, LEBANON COUNTY PLANNING

Ms. Cheyney is the director of the Lebanon County Planning Department and wanted to open a dialogue with council after they decided at last month's meeting to explore the possibility of bringing zoning in-house. County planning currently handles zoning for the borough.

Mr. Karinch said that the issue was discussed at planning commission. Their recommendation was that the planning commission goes back to planning and zoning. Planning and zoning would do everything with the help of Mr. Dellinger and would then send approval to the county, who would be responsible for issuing the permit.

Ms. Cheyney reviewed the enforcement aspect of zoning violations.

Stan Alekna, 732 Aspen, asked Ms. Cheyney if the borough has even taken any enforcement action to the district court. Ms. Cheyney said to the best of her knowledge they have not, but she would need to check her records to verify.

Mayor Thomas asked Ms. Cheyney if one of the problems when it was planning and zoning was consistency. Ms. Cheyney said some of it was consistency but a lot of it was the extra step that forced residents to wait another month for a permit if they had to go back to P and Z.

Mr. Conrad asked Ms. Cheyney if she would be willing to come to a planning commission meeting. Ms. Cheyney said she would be more than happy to do that or hold any type of workshop that might be beneficial.

Mr. Karinch said this issue came about because of an Airbnb issue in the borough. He felt that the county missed some things that the planning commission would not have. The planning commission decided they would want to review all plans and then send them along to county.

Mr. Conrad asked if council could hold off on any decision until the planning commission is able to have further discussion with Ms. Cheyney.

Ms. Tribioli reiterated that the county did not err in the Airbnb issue because they did not issue the owner's a permit. She was more concerned with instances where the zoning officer does not visit locations in the borough to see a property when issuing permits.

Council will wait until further meetings with Ms. Cheyney are held before deciding.

#### DOLORES KERN, BURD COLEMAN GARAGES PIPE

Dolores Kern co-owns the garages at the end of Burd Coleman Road. The drainage pipe located in the parking area of the garages is collapsing and she is requesting that council evaluate the situation to see if the problem should be corrected by the borough.

Ms. Kern said that the borough installed the pipe many years ago. Tom Smith said he had no record stating that it is the borough's pipe, but that does not mean the borough did not put it in.

Marie Tribioli asked if Ms. Kern had checked the deed to see if that pipe is included. Ms. Kern said she had not.

Mr. Smith said the cost of materials would be \$1,300.

Bruce Conrad made the motion, seconded by Marie Tribioli to authorize the work to be done if it is found to be the borough's responsibility. Motion passed.

#### TRACY KAUFFMAN PROPERTY

Tabled.

#### COMMUNITY CATS OF CORNWALL

Jen Wentzel presented a report updating council on how the program is going. She requested that council consider eliminating the feral cat ordinance adopted last year.

#### CHESTER SCHOLL, REZONING 40 ACRES ON ZINN'S MILL ROAD

Chester Scholl wants to rezone his 40 acres on Zinn's Mill Road from agriculture to residential. Mr. Scholl attended the planning commission meeting the previous Monday and they were not opposed to the change.

Ron Ricard mentioned the possibility of improvements to Zinn's Mill Road and to the intersections with Route 72 and Cornwall Road. Mr. Scholl said that all of that would be addressed when plans for development would be brought forth. It was stated that any improvements would be the developer's cost.

Steve Dellinger reviewed how the request for rezoning would proceed if Mr. Scholl wishes to do so.

Ron Ricard made the motion, seconded by Bruce Conrad, to recommend that Chester Scholl submit a formal request to rezone 40 acres of land on Zinn's Mill Road. Thomas Burton voted against. Motion passed 4-1.

#### COLD SPRINGS WATER TANK

Thomas Burton wanted to see the Cold Spring tank repurposed as a filling station for spring water. Mr. Burton did not want to see one of the borough's assets sold off.

There was discussion about the demand for a spring water filling station, what would be needed to treat the water before selling it and the deed restrictions on the property. The water and sewer committee are working to get the old reservoir building placed on the historic register.

John Karinch felt the best thing to do would be to sell the tank to an interested entity. If more information is brought forth, council can revisit the idea in the future.

#### 2021 MMO

Marie Tribioli made the motion, seconded by Bruce Conrad, to approve the 2021 MMO in the amount of \$107,088 for the non-uniformed plan and \$48,619 for the uniformed plan. Motion passed.

### BLIGHT PLAN

Ron Ricard reviewed the blight article from the Boroughs Magazine and the meaning of blight. Mr. Ricard felt that the conversation about blight that previously took place veered of course as to what it entails.

Mayor Thomas felt that the borough does not have a blight problem. John Karinch referenced one area that he would consider blight and was not opposed to looking into the issue again.

Mr. Ricard felt it would be best to have a tool to be able to deal with an issue if it arises.

Bruce Conrad wanted to see if the borough could find out if other municipalities have similar ordinances and if they had any issues with places being deemed blight that were not.

Marie Tribioli said that there was a blight committee a year ago and she might have some information from when they investigated this issue before.

Without having the ordinance in front of her, Julie Cheyney reviewed some of the currently available options to combat such a problem.

The issue will continue to be examined.

### COMCAST FRANCHISE AGREEMENT

Cody Rhoads provided Council with correspondence for the upcoming franchise renewal. No further action was needed at this time.

### 314 BOYD STREET, SHED

Planning commission recommended that council approve the architectural compatibility for the proposed shed at 314 Boyd Street. Bruce Conrad made the motion, seconded by Marie Tribioli, to approve the architectural compatibility. Motion passed.

### 633 ASPEN LANE, ADDITION

Planning commission recommended that council approve a stormwater management waiver for the addition at 633 Aspen Lane. Bruce Conrad made the motion, seconded by Marie Tribioli, to have Steve Dellinger send a waiver for stormwater management to the county so the addition can proceed. Motion passed.

### 60 ANTHRACITE, CONDITIONAL APPROVAL

Steve Dellinger said all the waivers were previously approved by council and the recreation fees were paid upfront. The solicitor is still reviewing a few items and the rest of the conditions are minor cleanup items. Bruce Conrad made the motion, seconded by Marie Tribioli, to grant conditional approval for the subdivision plan of 60 Anthracite Road. Motion passed.

TRICK OR TREAT NIGHT, OCTOBER 29<sup>th</sup>

Marie Tribioli made the motion, seconded by Ron Ricard, to approve Trick-or-Treat night on Thursday, October 29<sup>th</sup> from 6 to 8 p.m. with a rain date of November 2<sup>nd</sup>. Motion passed.

ADJOURNMENT

With no further business to conduct, Marie Tribioli made a motion, seconded by Ron Ricard, to adjourn the meeting at 8:36 p.m. Motion passed.

Cody Rhoads  
Secretary