

MINUTES OF THE CORNWALL BOROUGH COUNCIL MEETING  
HELD ON MONDAY, AUGUST 14, 2023, AT 6:30 P.M.  
AT CORNWALL BOROUGH HALL

Council President Bruce Harris called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

PRESENT

Council President Bruce Harris, Council Vice President Bruce Conrad, Council Pro Tem Ron Ricard, John Karinch, Thomas Burton, Beth Yocum, Al Brandt (arrived at 6:47 p.m.) and Mayor Mark Thomas

ALSO PRESENT

Borough Manager Cody Rhoads, Public Works Director Tom Smith, Police Chief Brett Hopkins, Solicitor Josele Cleary and Borough Engineer Chad Smith

PUBLIC

Meeting attendance sheet is attached hereto.

RECOGNITION

Mr. Harris stated that there were multiple people in attendance to recognize Officer Adrian Cann for his heroic actions during a traffic accident on July 1<sup>st</sup>.

The victim's sister spoke, stating that while her brother ultimately passed away, they were able to have an extra month with him. That time afforded them the opportunity to communicate with him and they were ultimately able to say goodbye to him. Officer Cann said he was glad he could impact their family in a positive way.

Dan Bost, representing Sen. Chris Gebhard, presented Officer Cann with a Certificate from the 48<sup>th</sup> Senatorial District recognizing him for going above and beyond in serving the community.

Rep. John Schlegel presented Officer Cann with a Certificate of Recognition for his heroic actions.

District Attorney Pier Hess Graf thanked Officer Cann for his heroic actions and his service to his community.

Mayor Thomas, President Harris and Chief Hopkins presented Officer Cann with a Certificate of Appreciation.

Officer Cann thanked everyone for the recognition.

### AMEND THE AGENDA

Mr. Rhoads asked the Council to amend the agenda to add Consider Authorizing Goosetown Stormwater Improvements.

Ron Ricard made the motion, seconded by, Bruce Conrad to amend the agenda to add this item. Motion passed.

### PUBLIC COMMENT

Jo Roussey stated that National Night Out was fantastic and thanked everyone who helped organize it.

Howard McFadden thanked Council for allowing the Cornwall UMC to close Alden Street for the Peach Festival. The festival was a great success.

Toby Gainer asked when the wall on Rexmont Road will be repaired. Tom Smith said that it will be in the budget for next year.

Jeremy Zimmerman complimented the borough on the paving that was recently completed in Spring Hill Acres.

### WATER AND SEWER BUSINESS

#### NEW BUSINESS

#### SEWER FORGIVENESS – 1009 BRANDYWINE DRIVE

Bruce Conrad made the motion, seconded by John Karinch, to authorize sewer forgiveness for 1009 Brandywine for a water leak they had. Motion passed.

#### HYDRANT MAINTENANCE

Rich Stichter, Fire Company president, said that he was recently showing some of the new members how to remove the caps on a fire hydrant. They discussed the possibility of wire brushing the threads and greasing all the hydrants in the borough. There would be no cost to the borough, but they were seeking permission to do so.

John Karinch made the motion, seconded by Bruce Conrad, to authorize the fire company to perform maintenance on the borough fire hydrants.

#### REPORTS

John Karinch made the motion, seconded by Bruce Conrad, to approve the water and sewer reports. Motion passed.

### BOROUGH BUSINESS

#### APPROVAL OF MINUTES

Beth Yocum made the motion, seconded by John Karinch, to approve the minutes of the July 10, 2023 council meeting. Motion passed.

## REPORTS

Mr. Harris read the budget report for July. Bruce Conrad made the motion, seconded by John Karinch, to approve the reports. Motion passed.

## NEW BUSINESS

### CONSIDER REQUEST FROM BOYER'S TAVERN TO PAVE OPPOSITE SHOULDER

Arden Snook, owner of the property, was proposing to pave roughly 170' of the shoulder across from Boyer's Tavern. During heavy rains, the shoulder is washed out and leaves large ruts in the stone. Mr. Snook spoke with Tom Smith, and they thought it might be best to pave it with a roll curb. Mr. Smith said he discussed it with Jeff Steckbeck about a year ago and Mr. Steckbeck did not see an issue with paving the area.

Ms. Cleary said that the borough needs to make sure that it is being maintained if it is within the right-of-way.

John Karinch made the motion, seconded by Al Brandt, to allow Mr. Snook to pave the opposite shoulder contingent on signing a maintenance agreement with the borough. Motion passed.

### DISCUSS SPRING HILL ACRES ENTRANCE

Mr. Harris stated that there was an accident recently resulting in downed power lines that prohibited residents from entering or exiting the development for a few hours. There is an emergency access point, but some residents did not think they were allowed to use it. Mr. Brandt stated that it is owned by Spring Hill Acres so residents can use it, but if the area is wet it can be difficult to traverse.

Mr. Stichter said that he does not think a fire truck would be able to use the emergency access if there was an issue while the entrance was blocked.

One resident said that the entire corridor needs to be looked at.

Mr. Harris said that his recollection was that Mr. Rhoads said that PennDOT considers it a high-functioning intersection. Mr. Rhoads confirmed that PennDOT told him that when it was discussed during the scoping meeting for the Route 72 repaving.

There was discussion about a 123-acre tract that is for sale and the possibility of adding a second access if that is developed.

Irene Van Tassel shared some personal experiences as a reason for not wanting a second access to the development.

Cathy Jackson asked if the existing emergency access could be improved. Another resident said he would like to see that as well. Ms. Cleary said that unfortunately that access is private property, and the borough can't spend money to improve private property. Mr. Conrad asked if an easement could be obtained to make the improvements. Ms. Cleary said it might be difficult because it crosses the power lines owned by Met-Ed.

The borough will set up a meeting with the county, Rep. Schlegel and Sen. Gebhard to further discuss the issue.

CONSIDER AUTHORIZING RESOLUTION 2023-7 – PROCLAIMING 2024 THE ‘YEAR OF THE ARTS’ IN MT. GREтна

Mt. Gretna will celebrate the 50<sup>th</sup> anniversary of the Art Show in 2024 and asked the neighboring municipalities if they would enact a resolution proclaiming 2024 the “Year of the Arts” in Mt. Gretna.

Al Brandt made the motion, seconded by Beth Yocum, to adopt Resolution 2023-7 proclaiming 2024 the “Year of the Arts” in Mt. Gretna. Motion passed.

CONSIDER AUTHORIZING ORDINANCE 2023-2 – ADD REGULATIONS GOVERNING CHICKENS AS AN ACCESSORY USE

Mr. Rhoads stated that this is authorizing the changes to the keeping of chickens in residential areas that have been discussed over the past few months.

John Karinch made the motion, seconded by Bruce Conrad, to adopt Ordinance 2023-2. Motion passed.

CORNWALL PROPERTIES – PARCEL B OPERATIONS

Mr. Rhoads stated that Cornwall Properties notified the borough that they would be beginning rock crushing and cement operations at the site of the old rock crusher. The letter stated that they would be adhering to the conditional use decision from 2003. Several residents notified the borough that they were conducting cement plant operations overnight. The conditional use decision stated that only an asphalt plant could operate overnight. The borough has notified Cornwall Properties that they are not allowed to operate the cement plant from 10 p.m. to 6 a.m.

Ms. Cleary reviewed relevant parts of the conditional use decision from 2003.

Jeremy Zimmerman said that he filed a complaint with DEP about the operation of the cement plant. He felt that the operation should be shut down until he complies with the conditional use decision.

Julie Bowman had concerns with trucks that are leaving the facility running the stop sign at Boyd Street and 322 then not getting up to a safe speed once they are on the highway.

Ms. Cleary said that the zoning officer should schedule an inspection and then she will work with them to file an enforcement notice. Ms. Cleary said that the property owner then has 30 days to appeal the enforcement notice. According to the Municipalities Planning Code and Commonwealth Court decisions, the borough cannot bring enforcement if the violation was under appeal.

John Karinch made the motion, seconded by Al Brandt, to authorize Jeff Steckbeck to investigate the issues brought forth tonight. Ms. Bowman took exception to that motion, asking how Mr. Steckbeck could be the one investigating the issue when he also works for Mr. Byler.

John Karinch amended his motion, seconded by Al Brandt, to authorize the alternate zoning officer, Josh Weaber, to investigate the issue. Motion passed.

CONSIDER AUTHORIZING BOROUGH ZONING OFFICER TO SERVE AS CODES ENFORCEMENT OFFICIAL

Mr. Harris explained that there is a zoning violation in Spring Hill Acres that is not being taken care of. Mr. Harris authorized Mr. Steckbeck to begin civil procedures against the property. To issue citations, Mr. Steckbeck will need to be a codes enforcement officer and be sworn in as a law enforcement officer by the MDJ.

John Karinch made the motion, seconded by Al Brandt, to appoint Jeff Steckbeck as codes enforcement officer. Motion passed.

CONSIDER AUTHORIZING MANAGED SERVICES AGREEMENT WITH EAGLE SECURE SOLUTIONS

Mr. Harris explained that a managed service agreement was discussed prior, but it was determined to continue at the hourly rate and reassess later. Mr. Rhoads said that the borough recently went through an insurance renewal process, which included cyber insurance. There were certain questions that the borough had to answer “no” to on the application, which prevented those companies from offering a quote. Mr. Rhoads said that the best way to address those shortcomings would be through a managed services agreement. As a result, IT costs would increase marginally compared to what the borough was paying at an hourly rate.

Beth Yocum made the motion, seconded by John Karinch, to authorize signing a managed services agreement with Eagle Secure Solutions for \$800 per month. Motion passed.

CONSIDER ACCEPTING RESIGNATION OF GREG BENDER

Mr. Harris recognized Officer Bender for his 28 years of service to the community.

Ron Ricard made the motion, seconded by John Karinch, to accept the resignation of Greg Bender and authorize the borough manager to complete any necessary paperwork related to the departure as required by the police contract. Motion passed.

CONSIDER AUTHORIZING MMOs FOR 2024

Mr. Harris reviewed the Minimum Municipal Obligation, which is the state-mandated smallest amount a municipality must contribute to any pension plan established for its employees. Mr. Harris questioned the difference between the MMO and the MMO based on the market rate of the plans. The difference for both plans was \$82,000.

Mr. Burton questioned how much the employees contributed. Mr. Rhoads said the uniform rate is 1% and the non-uniform is 0%.

Ms. Roussey said that the city of York ran into issues because they only paid the MMO for many years.

It was decided to table the decision until next month. Mr. Rhoads will set up a finance committee meeting with the financial advisors of the pension plan to gather more information.

#### CONSIDER CREATING A GRANT RESEARCH AND ACQUISITION COMMITTEE

Mr. Conrad said he and Dr. Ferrante were interested in setting up a committee to assist with researching and writing grants for the borough. Ms. Roussey had already expressed interest and Mr. Harris asked Mr. Conrad to pass along any additional interest to serve.

#### CONSIDER AUTHORIZATION TO HIRE ADDITIONAL PUBLIC WORKS EMPLOYEE

Mr. Rhoads said that they interviewed four good candidates, and he asked council to consider offering the position to Blake Fischer.

John Karinch made the motion, seconded by Bruce Conrad, to offer the position to Blake Fischer at a rate of \$21 per hour with an increase to \$22.50 per hour once he gets his CDL. Motion passed.

#### CONSIDER AFFIRMING SALE OF 1999 INTERNATIONAL DUMP TRUCK TO RAPHO TOWNSHIP

Mr. Harris said last month it was approved to list the 1999 International for sale on Municibid. After the meeting, there was discussion about offering the truck to Rapho Township to use since they lost their fleet in an explosion. Rapho asked if Cornwall would consider selling it to them instead. The Highway Committee decided on a value of \$2,000 and completed the transaction with Rapho.

Thomas Burton made the motion, seconded by John Karinch, to affirm the sale of the 1999 International Dump Truck to Rapho Township. Motion passed.

#### CONSIDER AUTHORIZING GOOSETOWN STORMWATER IMPROVEMENTS

Chad Smith said that this is an MS4 project for the Pollutant Reduction Plan (PRP). Mr. Smith said this project conceptually started a few years ago, Hanover Engineering made changes and then Steckbeck Engineering completed the final stages.

There were four bidders. The lowest bid was M. Webster Construction at \$147,800 and the highest bid was \$241,000. This will be paid out of the Sunoco Grant. Mr. Rhoads pointed out that the construction estimate when the project was developed was \$88,000. The borough will have to use MS4 funds to complete the project.

Mr. Burton asked if any of the locations will impact the recreation plan. Mr. Smith said the only change would be the proposed location of the baseball field. He sent the CAD files to Karla Farrell and she was altering the plan to accommodate the improvements.

John Karinch made the motion, seconded by Al Brandt, to award the bid for the Goosetown Stormwater Improvements to M. Webster Construction for \$147,800. Motion passed 6-0 with Bruce Harris abstaining.

COMMENTS FOR THE GOOD OF THE ORDER

Mr. Conrad mentioned that Coffee with Council would be on Wednesday at 10:30 a.m.

Mr. Harris mentioned that with the power out in the building for the last hour of the meeting, the borough should investigate the addition of generators, especially for the police station.

ADJOURNMENT

With no further business to conduct, John Karinch made the motion, seconded by Bruce Conrad, to adjourn the meeting at 8:36 p.m. Motion passed.

Cody Rhoads  
Secretary