

MINUTES OF THE CORNWALL BOROUGH COUNCIL MEETING  
HELD ON MONDAY, DECEMBER 11, 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 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.

PUBLIC COMMENT

Kerry Royer, Director of the Mt. Gretna Art Show, said that next year is the 50<sup>th</sup> Art Show and they are going to kick off the year with a fundraiser in January. Several other communities have proclaimed 2024 the Year of the Arts and the County has done so as well. She presented Cornwall with a banner to commemorate the Year of the Arts.

Jeremy Zimmerman asked about the consideration of the Cornwall United 4 Responsible Development's text amendment in conjunction with the discussion about rezoning the General Industrial (GI) tract. He felt the residents were giving up something by allowing manufacturing in the GI and that they should get something in return, which would be removing warehousing from the Limited Industrial (LI) district and moving it to the General Commercial (GC) district.

Ms. Cleary stated that if the amendment to the ordinance was changed to include this, the review process would have to start again. Mr. Zimmerman said that it wouldn't necessarily be included in the same ordinance, just at the same time.

Mr. Rhoads believed that the direction taken was to expedite the review to amend the ordinance to allow manufacturing in the GI to allow PRL to meet their timeline for a new facility, should it be passed. Then, the text amendment to remove warehousing from the LI and move it to the GC and Cornwall Properties' other text amendment to permit a Lake Resort Community in the LI would be reviewed, which would most likely be in January.

Mr. Zimmerman was disappointed that the Council is showing favoritism to one entity as opposed to doing it comprehensively. He asked if Council was committed to moving this forward. Mr. Harris said that he didn't think they could answer that until they get the Planning Commission's recommendation.

### APPROVAL OF MINUTES

Bruce Conrad made the motion, seconded by Ron Ricard, to approve the minutes of the November 13, 2023 council meeting. Motion passed.

### REPORTS

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

### NEW BUSINESS

#### UPDATE FROM COMMUNITY CATS OF CORNWALL

Jen Wentzel thanked Borough Council for their donation this year. They are currently working on two farms in the borough with 20 cats each. She also thanked the Cornwall Borough Police Department for their assistance throughout the year. Since they have formed, they have altered 415 cats and fostered 416 kittens. Amanda Musser is their foster coordinator and there are currently eight foster families. Ms. Wentzel said that she was excited to share that there is now a Lebanon County Community Cats.

Mr. Burton asked how many cats helped were from the borough. Ms. Wentzel estimated 75% of the cats were from Cornwall.

Doug Stump, Lebanon Daily News, asked how many of the cats were returned after altering. Ms. Wentzel said that almost all the cats altered are released.

#### CONSIDER AUTHORIZING RESOLUTION 2023-9 – DISPOSITION OF RECORDS

Beth Yocum made the motion, seconded by John Karinch, to authorize Resolution 2023-9 to dispose of the records that no longer need to be retained. Motion passed.

#### CONSIDER AUTHORIZING RESOLUTION 2023-10 – SETTING TAX RATE FOR 2024

Thomas Burton made the motion, seconded by Beth Yocum, to authorize Resolution 2023-10 to set the tax rate at 2.25 mills for 2024. Motion passed.

#### CONSIDER AUTHORIZING RESOLUTION 2023-11 – APPLICATION FOR COUNTY COMMISSIONERS MARCELLUS SHALE GRANT FUND

Mr. Rhoads shared that he would like to apply for the maximum amount of \$25,000 to be used for the Snitz Creek Park project.

Beth Yocum made the motion, seconded by Thomas Burton, to authorize Resolution 2023-11 to apply for the Marcellus Shale Grant. Motion passed.

#### CONSIDER AUTHORIZING 2024 BUDGET

Bruce Conrad made the motion, seconded by John Karinch, to authorize the 2024 budget. Motion passed 5-1 with Thomas Burton voting against.

DISCUSSION ON AND CONSIDERATION OF SCHEDULING PUBLIC HEARING FOR CORNWALL PROPERTIES' REQUEST TO AMEND GENERAL AND LIGHT INDUSTRIAL REGULATIONS

Mike Swank, Cornwall Properties, said that Cornwall Properties sat down with Ms. Cleary, Mr. Weaber and other staff to prepare the proposed amendment. Mr. Swank reviewed the additions which included a definition of parent tract, changes to the buffer area and trip generation.

Mr. Weaber said that one revision Planning Commission requested was that all the manufacturing uses in LI be listed in the GI as well. That update has not been received yet. Mr. Harris asked if there were any other comments from the Planning Commission. Mr. Weaber said that the only concern was the future of the tract and that was when it was decided to go back to work on the ordinance in January.

Mr. Ricard asked if it was correct that the PRL facility would only take up 10% of the property. Ms. Cleary interjected that using the property is misleading because Cornwall Properties' property encompasses several zoning districts. The proposed ordinance effects only the tract that is in the GI district. Ms. Cleary reviewed the parent tract, which is the property in the GI district, and the amount of traffic allowed before improvements and a traffic study is needed.

Mr. Zimmerman asked if the existing conditional permit with the allowable use of the concrete and asphalt plant with the trucks accessing the plant is included in the traffic count. Ms. Cleary said that this would be going forward, it can't take away existing rights.

Mr. Byler clarified that the potential lease agreement with PRL is for 20 years, not the five years that was mentioned.

Mr. Zimmerman asked for clarification on the amendment. It talks about when something is being constructed and additional buildings. He asked what would happen in 20 years when PRL's lease ends and a new tenant moves in. The building is already built so the new tenant could run as many trucks as they want because something new is not being restricted. Ms. Cleary said that she couldn't answer that as the zoning ordinance could change in 20 years. Mr. Weaber said that any change in use would need a zoning permit, which would present an opportunity for a traffic study to be required.

Mr. Harris asked what the next step would be if Council approved this tonight. Ms. Cleary stated that a date for a hearing would need to be set, it would need to be advertised twice a week apart with the second ad being at least a week before the hearing. It would be a legislative hearing with no court reporter or cross examination. A public hearing for a proposed ordinance to amend the zoning ordinance is an opportunity for residents to give comments, it is not a question-and-answer session. Ms. Cleary always advertises ordinances so that they can be enacted at the close of the public hearing or at another meeting within 60 days of the second advertisement, as required in the Municipalities Planning Code.

John Karinch made a motion, seconded by Bruce Conrad, to schedule a public hearing on January 2<sup>nd</sup>, 2024 to consider Cornwall Properties' request to amend general and light industrial regulations. Motion passed.

CONSIDER AUTHORIZING 4/36 WORK WEEK FOR ONE YEAR TRIAL PERIOD  
STARTING ON JANUARY 1, 2024

Mr. Harris explained that the personnel committee has talked about this for a while now. It would apply to the office staff and public works department, but not the police department as they have a labor contract. Information was provided from two other municipalities who have had great success with the schedule.

Mr. Harris said the mayor and police chief had major concerns about this schedule, as the police secretary would not work on Fridays and the office would be closed.

Mr. Harris reviewed that the schedule would likely be Monday-Thursday from 7 a.m. to 4 p.m. He said that another option for the public works department would be to split the crew and maintain the same schedule, with one group working Monday and the other group working Friday, with each one alternating a four-day weekend. He had concerns about closing the office on a Friday and would not consider closing the police department on a Friday.

Mr. Thomas did not know how this idea even came about. He stated that the borough workers only work 21 days a month and have holidays he doesn't even know exists. They also get vacation and sick time, so they only work 8.5-9 months. He didn't think this should even be a discussion.

Mr. Karinch wondered why they couldn't work four ten-hour days. Mr. Thomas said things would get missed. The most productive workdays are Tuesday, Wednesday, and Thursday. If people had off Friday, then he felt Thursday would be unproductive.

Mr. Rhoads said they had talked at length about the reasoning behind the trial and he had provided data from places that implemented the schedule showing that productivity remained the same or increased.

Hearing everyone's comments, Bruce Conrad made a motion, seconded by Ron Ricard, to send this back to the personnel committee. Motion passed.

CONSIDER AUTHORIZING FINANCING OR PAYING OFF F-350

The new truck will be delivered soon at a cost of \$89,102. The lowest financing that was found was 5.99%.

John Karinch made a motion, seconded by Beth Yocum, to pay for the truck at the time of delivery as opposed to financing it. Motion passed.

Bruce Harris said that there is a need to order a new dump truck to replace the 1996 International. The truck will be ordered in January for delivery in 2025. The estimated cost is \$212,000 compared to the \$155,000 that the last dump truck cost. Ron Ricard asked about buying something used. Tom Smith said that he talked to Jackson Township about a truck they are considering getting rid of, but there is another municipality likely to purchase it.

Mayor Thomas thought the price was too high and did not want to lock into one a year before they would receive it.

Jeff Bamberger asked if it was put out to bid. Mr. Harris said it is not bid out per se, it goes through Costars, which is a state contract where you can buy trucks, vehicles, mowers and other items at the best cost. Mr. Bamberger thought it was worthwhile going directly to manufacturers for bids.

Ron Ricard asked Tom Smith if it mattered what manufacturer the truck is purchased from. Mr. Smith said that all the trucks the borough has are Internationals, which has helped with maintenance and staying up to date with everything.

CONSIDER ACCEPTING RESIGNATION OF RON MORRISON FROM THE ZONING HEARING BOARD, EFFECTIVE DECEMBER 31, 2023

Ron Morrison stated that he had been on the Zoning Hearing Board for four years. He has a strong interest in serving on Borough Council and thanked Council for the opportunity to serve on the Zoning Hearing Board.

John Karinch made the motion, seconded by Bruce Conrad, to accept Ron Morrison's resignation from the Zoning Hearing Board. Motion passed.

CONSIDER ACCEPTING RESIGNATION OF RON RICARD FROM BOROUGH COUNCIL

Mr. Ricard said that he considered resigning from Council so he could be considered for the current vacancy. However, seeing the number of applications for the position, he decided to let his term end on December 31<sup>st</sup> instead of resigning.

CONSIDER AUTHORIZING RESOLUTION 2023-12 – APPOINTING COUNCIL MEMBER TO FILL REMAINDER OF OPEN TERM

Mr. Harris said that Al Brandt did not submit a formal letter of resignation, but he did verbally tell him that he no longer lives in the borough and registered to vote in another municipality.

Ms. Yocum stated that everyone's resumes were very strong. Personally, she would like to see another woman on Council. She felt Mr. Ricard would have been another strong candidate and she knew Nathan Walmer ran in the election.

Beth Yocum nominated Julie Bowman for the vacant Council seat. Bruce Conrad seconded the motion. There was a roll call vote, Ron Ricard "no", Bruce Conrad "no", Beth Yocum "yes", Bruce Harris "no", John Karinch "no", Thomas Burton "no". Motion failed.

John Karinch nominated Nathan Walmer. Thomas Burton seconded the motion. Bruce Conrad was concerned about the optics of the nomination, because the electors did not seat him during the election. There was a roll call vote, Ron Ricard "no", Bruce Conrad "no", Beth Yocum "yes", Bruce Harris "yes", John Karinch "yes", Thomas Burton "yes". Motion passed 4-2 for Nathan Walmer to fill the vacant council.

COMMENTS FOR THE GOOD OF THE ORDER

Mr. Thomas recognized Ron Ricard for his time on Council.

ADJOURNMENT

With no further business to conduct, Bruce Conrad made the motion, seconded by John Karinch, to adjourn the meeting at 7:56 p.m. Motion passed.

Cody Rhoads  
Secretary