

MINUTES OF THE CORNWALL BOROUGH COUNCIL MEETING
HELD ON MONDAY, JANUARY 8, 2024, AT 6:30 P.M.
AT CORNWALL BOROUGH HALL

Council President Bruce Harris called the meeting to order at 6:45 p.m.

PLEDGE OF ALLEGIANCE

PRESENT

Council President Bruce Harris, Council Vice President Beth Yocum, Council Pro Tem Bruce Conrad, John Karinch, Thomas Burton, Tony Fitzgibbons, Nathan Walmer and Mayor Mark Thomas

ALSO PRESENT

Borough Manager Cody Rhoads, Police Chief Brett Hopkins and Solicitor Josele Cleary

PUBLIC

Meeting attendance sheet is attached hereto.

EXECUTIVE SESSION

An executive session was held from 6 p.m. until 6:45 p.m. to get legal advice from the borough solicitor.

PUBLIC COMMENT

Bruce Harris said that on December 21st several council members met at COLA headquarters with members of PENNVEST, DEP, Elizabethtown Area Water Authority, Byler Holdings and local representatives. Mr. Conrad said that the discussion was centered around the need for additional water in Cornwall.

Mr. Harris said that there have been several water main breaks over the last few weeks. Mr. Conrad said that one last week on Juniper Street resulted in a loss of 800,000 gallons. This resulted in a sinkhole that is currently being repaired. Rich Stichter asked how old the water line was. Mr. Conrad thought that one was installed in the late 1950s, early 1960s.

Julie Bowman asked if water was needed for a current shortage or if it was for future development. Mr. Conrad said that it would be for future growth in this region.

Mr. Harris said that he spoke with Rep. Schlegel about the brake retarder issue on Route 72, the Cornwall Center intersection, and the intersection at the Root Beer Barrel. Mr. Schlegel was going to follow up with PennDOT on these issues.

Jo Roussey stated that Borough Council asked for applicants to fill the recent vacant position. Ms. Roussey felt there were other candidates who would have been better selections, including Greg Roussey and Julie Bowman. Ms. Roussey stated that Mr. Walmer did not attend any meetings in 2023. Mr. Roussey attended nine meetings, Ms. Bowman attended eight meetings and Rob Anspach, who also submitted his application, attended two. She said that in ten years

the residents will have to deal with the issues that this council is currently pushing down the road. She felt Council does a fine job with the repetitive issues, but doesn't do enough when it comes to new items such as a generator at the police station or an A/V system in the meeting room.

Mark Dutchess asked about the status of the recreation grants that were applied for. Mr. Conrad said that they are confident that they will get the DCNR grant but that has not been publicly disclosed.

APPROVAL OF MINUTES

Bruce Conrad made the motion, seconded by Thomas Burton, to approve the minutes of the December 11, 2023 council meeting and January 2, 2024 reorganization with the minor correction that it is Cornwall United 4 Responsible Development. Motion passed 6-0 with Tony Fitzgibbons abstaining.

REPORTS

Mr. Harris read the budget report for December. Bruce Conrad made the motion, seconded by Tony Fitzgibbons, to approve the reports. Motion passed.

Stan Alekna asked if there was still a balance for the EIT repayment. Mr. Harris said that there is still a balance of \$600,000 left on the loan.

OLD BUSINESS

CORNWALL UNITED 4 RESPONSIBLE DEVELOPMENT – TEXT AMENDMENT

Jeremy Zimmerman said that they were on the agenda for the Planning Commission meeting and are asking that their text amendment be sent to County Planning. Mr. Harris said that they discussed some of the legal issues with the solicitor, but felt the council was willing to send it to County Planning.

Ms. Bowman said that at the public hearing it was positioned that manufacturing would be allowed in the General Industrial (GI) district and warehousing would be removed from the Limited Industrial (LI). However, the text amendment did not address removing the warehousing from LI. She was not overly worried about it until Mike Swank, Cornwall Properties, noted at the Planning Commission meeting that removing the warehousing from LI would be a negotiation.

Bruce Conrad made a motion, seconded by Beth Yocum, to send the proposed text amendment to County Planning for review. Motion passed.

NEW BUSINESS

CONSIDER AUTHORIZING PART-TIME OFFICE WORKER

Mr. Harris said that this position would assist with going through all the paperwork that the borough has received for the Lead and Copper mandate. The position would be for 20 hours a week until the project is completed.

Thomas Burton made the motion, seconded by Bruce Conrad, to hire a part-time office worker at the rate of \$20 per hour. Motion passed.

CONSIDER AUTHORIZING HIRE OF MATTHEW ROTHGABER AS POLICE OFFICER

Chief Hopkins said that Mr. Rothgaber has his degree in criminal justice, finished at the top of his class academically at the police academy and previously worked for South Lebanon Township.

Thomas Burton made the motion, seconded by Bruce Conrad, to hire Matthew Rothgaber at the level of Patrolman Two. Motion passed.

CONSIDER ACCEPTING TIME EXTENSION FOR CORNWALL PROPERTIES
SUBDIVISION PLAN

Mr. Rhoads said that Cornwall Properties is granting a 90-day time extension for the Cornwall Properties subdivision plan on Rexmont Road. Mr. Weaber said that he hopes to have his first review letter completed by the end of next week.

Ms. Bowman said Council will be receiving a letter from HOA 1's attorney regarding their position on the dedication of Iron Valley Drive. Mr. Weaber said that one of his comments in the review addresses one of the accesses being on a private street.

Fred Jones asked if there was any consideration of discussing with Mr. Byler the possibility of following the H+K plan to have another access on Boyd Street so that traffic could flow that direction as well. Mr. Weaber said that there are no current plans to do that.

Ms. Bowman thought that there was a strategy to bring this plan out in pieces instead of all at once as a tactic to avoid a level of intensity comparison that was in the H+K conditions. She thought that the community deserves a statement as to why, to date, Council has not chosen to enforce the H+K conditions.

Beth Yocum made the motion, seconded by Bruce Conrad, to accept the 90-day time extension for the Cornwall Properties subdivision plan. Motion passed.

CONSIDER GRANTING CONDITIONAL APPROVAL FOR FITZGIBBONS SUBDIVISION
PLAN

Mr. Rhoads said that Chad Smith reviewed the plan, submitted his comments to Mr. Fitzgibbons and Mr. Fitzgibbons made the requested changes. Ms. Cleary had one comment that Mr. Fitzgibbons agreed to adhere to, so Mr. Rhoads felt that the Council could grant conditional approval.

Mr. Fitzgibbons said that in 2012 he owned a few vacant lots, one of which was five acres. The taxes were going to change dramatically on the lots, so he changed the lot lines to better serve his purposes at the time, but now he is readjusting the lots in the event he wants to sell them in the future.

Bruce Conrad made the motion, seconded by John Karinch, to grant conditional approval for the Fitzgibbons subdivision plan. Motion passed.

ORGANIZATIONAL REVIEW

Ms. Bowman asked about the governing documents for how Council and Planning Commission work. Ms. Cleary stated that Borough Council is governed by the Borough Code which is a state statute. A municipal planning commission function under Article 2 of the Pennsylvania Municipalities Planning Code (MPC), which is also a state statute. Ms. Bowman asked about the setting of term limits. Ms. Cleary said that term limits would have to be implemented in the state statute by those in Harrisburg.

Ms. Bowman asked how the Planning Commission interfaced with Borough Council. Ray Fratini made statements at the last Planning Commission meeting that he felt pressured on the PRL decision. Ms. Bowman asked if a rezoning request starts with the Planning Commission or with Borough Council. She felt that right now the Planning Commission was serving as a rubber stamp for what Council wants as opposed to dutifully looking at the subject matter and making recommendations to Borough Council.

Ms. Cleary stated that the MPC mandates that all subdivision and land development applications be referred to the municipal planning commission and the county planning commission. The planning commissions can make recommendations as they see fit. The governing body has 90 days to act on the plan, but the developer can grant an extension of the time. The municipality cannot require an extension. If there is no action in the 90 days, the state considers it a deemed approval.

Ms. Bowman said that Cornwall United's text amendment went to the Planning Commission, where it was reviewed by Jeff Steckbeck in the role of zoning officer. Their text amendment removes warehousing from LI and GI. She felt there was a conflict of interest with him reviewing the text amendment as it potentially devalues the parcel of one of his clients. She questioned when Mr. Weaber would be used in his role as alternate zoning officer. Mr. Conrad asked Mr. Weaber if he felt Mr. Steckbeck's recommendation was a good one. Mr. Weaber said that it was.

Mr. Zimmerman said that other municipalities have a policy that if an engineer is representing a municipality, they are not allowed to do work there. He didn't understand why the borough was muddying the waters. Mr. Thomas said that Mr. Steckbeck has saved the borough hundreds of thousands of dollars over the years. In this instance he was working with the developer previously, so the borough hired an alternate engineer to review any work done within the borough. Ms. Bowman wanted to clarify that nobody was making an accusation as they don't doubt Mr. Steckbeck's professionalism, she simply wanted Council to clarify their policy in writing.

Mr. Weaber said that the role of the engineer is done both ways. There are places where if you represent the municipality, you can't do any work there. He said that if that happens in too many places, then the local engineers wouldn't be able to represent any municipalities and you'd have to bring in outside firms to represent the municipalities, which wouldn't work as well.

Greg Roussey said that he worked in the engineering business for 40 years with three different firms and this is the first municipality he has seen where they have two engineers. Mr. Roussey knows the money is in design, not coming to municipal meetings, so he understands why they work with developers. However, he said that SESI should not be working with developers within the borough.

COMMENTS FOR THE GOOD OF THE ORDER

Ron Ricard asked if there could be a list of actionable items that are kept on the agenda in addition to “Old Business” and “New Business”. He felt some of the actions previously talked about, such as the generator and A/V system, are forgotten.

Mr. Harris said that these items are being worked on and he hopes to see tangible results soon.

Rich Stichter introduced Matt Tsimnikas as the new president of the fire company.

Mr. Conrad asked that residents send in their Lead and Copper responses if they haven't yet. He also said Coffee with Council will be on Wednesday.

Jeff Bamberger asked if there was any update on the new dump truck. Mr. Rhoads was unsure whether Tom Smith was able to get any additional quotes over the last month.

ADJOURNMENT

With no further business to conduct, Bruce Conrad made the motion, seconded by Thomas Burton, to adjourn the meeting at 8:05 p.m. Motion passed.

Cody Rhoads
Secretary