

MINUTES OF THE CORNWALL BOROUGH COUNCIL MEETING
HELD ON MONDAY, MARCH 14, 2022, AT 6:30 P.M.
IN THE CORNWALL BOROUGH GARAGE

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, Al Brandt, Thomas Burton, Beth Yocum and Mayor Mark Thomas

ALSO PRESENT

Borough Manager Cody Rhoads, Highway Superintendent Tom Smith, Police Chief Brett Hopkins, Borough Engineer Chad Smith and Solicitor Josele Cleary

PUBLIC

Meeting attendance sheet is attached hereto

PUBLIC COMMENT – WATER & SEWER

Ron Laudeman, 390 Rexmont Road, asked if he could have the engineer's phone number to speak with them about his water pressure issues. Bruce Conrad said that they would set up a meeting with Barb Henry and Mr. Laudeman as the next step.

WATER & SEWER BUSINESS

REPORTS

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

PUBLIC COMMENT

Chester Scholl, 431 Lori Ann Court, asked Council to consider requesting a traffic light be installed at the intersection of Route 72 and Zinns Mill Road. Mr. Scholl said that he and others in his neighborhood feel that the intersection is unsafe. There was discussion about the process of requesting PennDOT to evaluate the intersection. Chief Hopkins stated that there were two crashes at the intersection in the last two years. Since this topic was not on the agenda, Mr. Rhoads suggested he reach out to Jon Fitzkee at the county for more information and it can be discussed at next month's meeting.

APPROVAL OF MINUTES

Al Brandt made the motion, seconded by Bruce Conrad, to approve the minutes of the February 14, 2022 council meeting. Motion passed.

REPORTS

Mr. Karinch had a few questions about Tom Smith's report. He asked what "repair of beaver pelts" meant. Mr. Smith stated that is the highway department's term for when the plow digs up

ground. Mr. Karinch also asked where tree limbs were raised. Mr. Smith said they did that throughout the borough where limbs were hitting the trucks.

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

Mr. Harris read the budget report for February 2022.

OLD BUSINESS

SPRING HILL ACRES ZONING ISSUES

Solicitor Cleary reviewed the history of the zoning issues at 308 Spring Hill Lane. The owners of 308 Spring Hill Lane appealed the enforcement notice from the borough's zoning officer and the appeal was heard by the Zoning Hearing Board. The ZHB ruled in favor of the owners at 308 Spring Hill Lane and did not uphold the enforcement notice. Ms. Cleary said the borough has three options at this point: 1) allow the ZHB's ruling to stand; 2) file an appeal to the Lebanon County Court of Common Pleas; 3) examine the terms of the zoning ordinance to determine if it needs to be updated to better reflect the borough's position. Ms. Cleary suggested further discussion occur during executive session.

Mr. Karinch asked Ms. Cleary if this would set a precedence. She replied that it would. Mayor Thomas felt council should fix things moving forward but not pursue this case any further.

Stan Alekna, 732 Aspen Lane, asked if he was allowed to have a copy of the ZHB's decision. Ms. Cleary stated that it was a public record, and anyone could obtain a copy.

Linda Good, 1268 Aspen Lane, stated that she drives by the property in question every day and sees multiple trucks each time. She felt it was way beyond a small home business and should be dealt with.

Jenn Leibig, 124 Pine Street, asked if the owner misrepresented the intent of the business on the application, was there any bearing on the permit? Ms. Cleary stated that permit issued was for a landscape business but referenced a home occupation. The permit application just showed a home office.

Nathan Walmer, 308 Spring Hill Lane, stated that he does not know why people want to drive past his property and pick it apart. He said there have been more trucks there because they are working on finishing his garage and are not for his business. Mr. Walmer said that he has had enough of the negative rhetoric directed at him and his family.

Stan Alekna, 732 Aspen Lane, said that his understanding from the ZHB decision was that all equipment must be stored in the detached garage, even though that violates the zoning ordinance. Mr. Alekna asked if the ZHB decision stipulates that condition. Ms. Cleary says that it does not.

Cathy Jackson, 310 Spring Hill Lane, stated that she lives next door and there are always people coming and going. She stated that there was the same amount of equipment outside despite the garage being constructed. She felt he was running a commercial business and that was lowering

the property values, so it is affecting the neighbors even though Mr. Walmer claimed he was not harming anyone.

Mr. Walmer said he leaves in the morning and returns at night. He is an active person and trying to clean up his property. He is not going to change anything he is doing.

Irene VanTassel, 303 Spring Hill Lane, shared some history of Spring Hill Acres and her experience there. She felt the deed restrictions should be followed and that council should nip this problem in the bud.

Mr. Harris said that the responsibility of enforcing the deed restrictions falls on the homeowner's association, which he does not believe is active in Spring Hill Acres. The borough has no say when it comes to that. The borough is dealing with the zoning ordinance in this situation.

AMENDMENT TO ORDINANCE – FEEDING FERAL CATS

Mr. Karinch reviewed the proposed change to the nuisance ordinance that would allow the feeding of feral cats for the purpose of trapping, neutering and releasing them.

Ms. Cleary went over the addition she made to the ordinance. The proposed amendment adequately addresses the request but still allows the borough to bring enforcement if there is an issue.

Mr. Laudeman did not feel that this was solving the nuisance issue. Mr. Rhoads stated that he could forward Mr. Laudeman's contact information to Jen Wentzel and her group could look at any issue he is having near his property.

Mr. Walmer stated that he was attacked by a feral cat and got very sick as a result. He did not think it was right that they were placed back into the community. Mr. Karinch stated that the cats were also vaccinated when they were trapped.

John Karinch made the motion, seconded by Ron Ricard, to advertise the amendment to the nuisance ordinance. Motion passed.

AMENDMENT TO ORDINANCE – ACCESSORY STRUCTURES ON TOWNHOUSE LOTS

Mr. Rhoads stated the Planning Commission's recommendation was to simply remove the restriction, which would make the setbacks the same throughout the zoning district. Ms. Cleary would have to write the amendment and then it would be sent to the planning commission and the county planning department.

Beth Yocum made the motion, seconded by John Karinch, to have Ms. Cleary amend the zoning ordinance to allow accessory structures on townhouse lots. Motion passed.

IT MANAGED SERVICES

Mr. Rhoads worked with Eagle Secure Solutions to create a new contract proposal that would be \$500 per month, which is a \$100 increase over the previous agreement. Council decided to stick with the hourly rate for a few months to see what the costs were.

NEW BUSINESS

CORNWALL ASSOCIATES, IRONMASTER ROAD REZONING

Louie Hurst, Cornwall Associates, was in attendance to have an informal conversation about what he would like to do with the parcel he owns on Ironmaster Road. The tract could not be developed as a part of Alden Place due to the location. It is currently zoned Planned Development (PD) but it could not be developed under that designation. Mr. Hurst would like to rezone it to Residential Institutional (RI). If the feedback is positive, he would return with an official request.

Mr. Harris asked if he was planning on seven lots. Mr. Hurst stated that was the current plan, but once they get into the specifics the amount could be reduced.

Mr. Burton asked why the council should entertain changing the zoning. Mr. Karinch stated that it would be to allow the development of the parcel, since currently nothing could be done with it. Mr. Burton did not think that was council's problem.

Mr. Brandt had concerns about the impact on neighboring properties.

Mr. Conrad stated the planning and zoning commission is generally in favor of allowing landowners to use their property as they see fit if it is reasonable. That is why the commission was supportive of rezoning.

Chad Smith reminded everyone that even if it is rezoned, it still must go through the subdivision and land development. Mr. Hurst's plan will have to meet all the criteria in the ordinance.

Ms. Cleary recommended to council that anyone wishing to rezone a property should pay for the costs associated with that change. Ms. Cleary also stated that Pennsylvania does not allow contract zoning. This means that you can not guarantee what a developer will build based on a presentation. Most times the developer will build what they present, but once it is rezoned, anything that is permitted in that district could be built.

Mr. Ricard asked if these lots would stay with Cornwall Associates. Mr. Hurst stated that these would be fee simple and once they are sold, they would be privately owned. It would not be associated with Alden Place in any manner.

Ms. Cleary reviewed what uses are permitted in the Residential Institutional district.

Mr. Hurst said he appreciated the feedback, and he will use that to make a decision about whether to move forward with an official rezoning request.

Mr. Ricard, Mr. Conrad, Ms. Yocum, Mr. Karinch and Mr. Harris informally stated that they would be in favor of rezoning the parcel if a formal application was submitted. Mr. Brandt and Mr. Burton would be opposed.

CORNWALL INN/POLICE STATION – PROPERTY LINE ADJUSTMENT

Chad Smith stated that he was approached by the attorney of the Cornwall Inn's owner. There is a small sliver of land between the inn and the rail trail that the borough owns. The Inn owns part of the police station's driveway. The idea would be to adjust the property lines so that the Inn gets the land on their property and the borough gets the land that is the entrance to the police station.

Ms. Cleary stated that there would need to be a subdivision plan and new deeds recorded.

Mr. Smith said the owners of the Inn would need to do a full submission for a lot addition and a full legal description. Ms. Cleary said the borough can swap real property but would need to pass a resolution to do so.

Mr. Burton felt this would block any future possibility for another trail off the Rail Trail.

John Karinch made the motion, seconded by Al Brandt, to authorize Chad Smith to contact the Inn's attorney to say they would be in favor of a property line adjustment if they would agree to bear the cost. Motion passed.

RESOLUTION 2022-4 – LEBANON COUNTY GAMING LOCAL SHARE ASSESSMENT GRANT (FIRE COMPANY)

The fire company was applying for the grant when they realized that the borough had to be the applicant. Mr. Rhoads reviewed that the grant was for a maximum of \$25,000 and would be used for the fabrication and installation of shelving for the compartments on the ladder truck.

Mr. Burton asked what the fire company is doing about fundraising. Mr. Karinch said that has nothing to do with the grant and is a question for another time.

Dave Slater, fire company president, stated that Chief Reddinger had done 95% of the application when he found out that he needed to get the borough involved. There would be no money needed from the borough.

Ms. Cleary said they have done a bunch of resolutions for this grant and a lot of the applicants did not realize that the municipality had to be the applicant.

Al Brandt made the motion, seconded by John Karinch, to authorize Resolution 2022-4 that allows the borough to apply for an LSA Grant in the amount of \$25,000 to be used for the outfitting of the fire company's ladder truck. Motion passed.

SPRING HILL ACRES FIRE DAM – CONSIDERATION FOR REIMBURSEMENT

Rich Stichler, 1624 Bayberry Court, restored the fire dam that was originally on the property and added a dry hydrant. The dam, which is spring fed, holds approximately 30,000 gallons and was tested by the fire company. The nearest fire hydrant to Spring Hill Acres is at Ironmaster Road and Alden Way.

Mr. Karinch felt that this was a benefit to the community and Mr. Stichler should be reimbursed for the construction. Mr. Conrad pointed out that Mr. Stichler did not come to the borough for reimbursement, but the project came up in conversation and the borough felt it would be proper to reimburse him.

John Karinch made the motion, seconded by Beth Yocum, to reimburse Rich Stichler \$4,204.20 for the construction of the fire dam. Motion passed.

KRALL SUBDIVISION PLAN

Mr. Rhoads asked if anyone had any questions on the proposed subdivision. There were none so the borough will continue with the process.

FOR THE GOOD OF THE ORDER

Tom Smith stated that there will be a highway committee meeting next week to discuss road projects. The dump truck that was ordered last year should be ready in the next few weeks.

Chief Hopkins stated that they are working on keeping the mileage down a little due to the price of gas. The officers are staying stationary in the different neighborhoods for longer periods.

Mr. Conrad stated that Coffee with Council will be on Wednesday at 9:30 a.m. to accommodate Chief Hopkins' attendance.

Mr. Harris discussed the possibility of having the May and June meetings elsewhere to allow for construction to be done on the garage. Mr. Rhoads will look into locations that they can be held.

EXECUTIVE SESSION

Al Brandt made a motion, seconded by Thomas Burton, to adjourn into executive session at 8:16 p.m. to discuss legal issues. Motion passed.

The executive session ended at 8:58 p.m. and the regular meeting reconvened.

ADJOURNMENT

With no further business to conduct, Al Brandt made the motion, seconded by John Karinch, to adjourn the meeting at 8:58 p.m. Motion passed.

Cody Rhoads
Secretary