

MINUTES OF THE CORNWALL BOROUGH COUNCIL MEETING
HELD ON MONDAY, SEPTEMBER 12, 2022, AT 6:30 P.M.
AT SACRED HEART CHURCH

Council President Bruce Harris called the meeting to order at 6:46 p.m.

PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION

Council met prior to the meeting to discuss a real estate transaction.

PRESENT

Council President Bruce Harris, Council Vice President Bruce Conrad, Council Pro Tem Ron Ricard, John Karinch, Thomas Burton, Beth Yocum, Al Brandt and Mayor Mark Thomas

ALSO PRESENT

Borough Manager Cody Rhoads and Highway Superintendent Tom Smith

PUBLIC

Meeting attendance sheet is attached hereto

WATER AND SEWER BUSINESS

PUBLIC COMMENT – WATER & SEWER

None

CONSIDER AUTHORIZING ADVERTISEMENT OF ORDINANCE FOR REFORMATION OF AUTHORITY

Tabled

CONSIDER AUTHORIZING HIRE OF BRANDON NYE

Mr. Karinch stated that the 2022 budget had funding for two part-time positions. They had two applicants, and one had the necessary licenses to run the borough's system, including an endorsement for the operation of a chloramine system, which the borough will possibly need to install in the future. It was determined that Brandon Nye would be a good fit as a full-time employee.

John Karinch made the motion, seconded by Al Brandt, to authorize the hire of Brandon Nye to a full-time position. Thomas Burton voted against. Motion passed 6-1.

REPORTS

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

SOLICITOR COMMENTS

Mr. Harris asked Solicitor Cleary to address Council and the public regarding the conditions that was imposed on the H+K project and whether those conditions moved forward with the new owner.

Ms. Cleary reviewed some of the history with H+K and the reasoning for the conditions. Big corporations will often have multiple business entities and H+K voluntarily agreed to have the conditions continue with the property to prevent anything improper from happening, such as a transfer between two entities to eliminate the conditions.

Ms. Cleary reviewed the plan for H+K and stated that if they came in for approval of that development, or a development of similar intensity, that the borough can impose those conditions and the developer will not be able to oppose them. Mr. Karinch clarified that council “can impose” not “must impose”, which Ms. Cleary said is correct. Ms. Cleary stated the latest proposal she saw from Cornwall Properties would probably be considered of similar or greater intensity, but until there is an official proposal it would be hard to determine which conditions should be imposed.

Ms. Cleary suggested that once a request for rezoning is received, the borough should ask the developer to reimburse any costs associated with such a request. If they are unwilling to do that, it is a good indication of how they will work with the borough throughout the process.

Mr. Conrad wanted to confirm that council can apply or not apply those conditions on any new plan depending on if they are relevant. Ms. Cleary confirmed that council would have the discretion. Council is not bound by what a prior council agreed to, but they can impose conditions that are supported by law or mutual agreement. If council does not want to impose some or all the conditions, they do not have to.

Stan Alekna worked to establish the conditions with H+K and did not understand how this discretion as to whether they apply came about. Ms. Cleary explained that the H+K decision has expired and all that is left is the fact that council can impose these conditions on a future plan.

Mr. Harris also asked Solicitor Cleary if the members of the Ad Hoc Committee should complete a conflict-of-interest form. Ms. Cleary stated that there is no such form. The Ethics Act only requires a Statement of Financial Interest, but that would not be needed for members of an Ad Hoc Committee. The only conflict of interest identified by the Ethics Act are pecuniary.

Mr. Alekna asked if the prior conditions for the rock crushing operation would have to follow the previous conditional use. Ms. Cleary said that they would.

Emily Bixler asked what the process would be for determining if a new plan is of similar intensity. Ms. Cleary said that the developer would likely request a change of zoning before submitting any plans, so that would be the first step in the process.

PUBLIC COMMENT

Jeff Bamberger asked if Council would consider purchasing digital speed signs to help control speeding in the borough. Mr. Harris stated that the budget process will start in a few weeks and purchasing signs can be investigated at that time.

Dale Waltman submitted a letter advocating for increased funding for the library.

APPROVAL OF MINUTES

John Karinch made the motion, seconded by Bruce Conrad, to approve the minutes of the August 8, 2022 council meeting. Motion passed.

REPORTS

Al Brandt made the motion, seconded by Bruce Conrad, to approve the reports. Motion passed.

Mr. Harris read the budget report for August 2022.

OLD BUSINESS

CONSIDER AUTHORIZING SUNOCO AGREEMENT

Mr. Rhoads said the agreement was completed and Solicitor Cleary had review it. Al Brandt made the motion, seconded by John Karinch, to authorize the Sunoco agreement. Motion passed.

NEW BUSINESS

CONSIDER AUTHORIZING RESOLUTION 2022-10 - RECREATION FEE

Mr. Rhoads reviewed the resolution which would increase the recreation fee from \$1,250 to \$2,500 based on the study done by Jeff Steckbeck and on the recommendation of the recreation committee. Al Brandt made the motion, seconded by Thomas Burton, to authorize Resolution 2022-10. Motion passed.

CONSIDER AUTHORIZING RESOLUTION 2022-11 – EXCHANGE OF REAL ESTATE

Ms. Cleary stated that this resolution would involve the exchange of real estate if it met the borough code, but at this point it does and should not proceed. John Karinch made the motion, seconded by Al Brandt, to table this item. Motion passed.

CONSIDER AUTHORIZING ORDINANCE 2022-3 – STORMWATER MANAGEMENT

Mr. Rhoads reviewed the updated stormwater management ordinance. Steve Sherk, Steckbeck Engineering, made the necessary changes and Ms. Cleary reviewed it from the legal standpoint. Mr. Ricard asked if this is done on a regular basis. Mr. Rhoads said it is done every few years to stay current with DEP regulations. Al Brandt made the motion, seconded by Ron Ricard, to authorize Ordinance 2022-3. Motion passed.

CONSIDER APPOINTING STEERING COMMITTEE FOR PARKS AND REC PLAN

Tabled

CONSIDER AUTHORIZING MMOs FOR 2023

The borough's municipal minimum obligation for 2023 is \$69,234 for the police pension fund and \$97,671 for the non-uniform pension fund. John Karinch made the motion, seconded by Ron Ricard, to authorize the MMOs for 2023. Motion passed.

DISCUSS REQUIREMENTS FOR INTERIOR GAS FACILITIES

Mr. Ricard stated that there was a residence in Alden Place who hired a contractor to hang a bracket in their garage. The contractor drilled through the home's natural gas line in the interior wall. Mr. Brandt questioned why this was a council issue.

Mr. Harris said he spoke with Jeff Steckbeck about the occurrence and Mr. Steckbeck suggested that Commonwealth Codes be contacted to see if regulations were properly followed.

COMMENTS FOR THE GOOD OF THE ORDER

Mr. Harris said two letters were received complimenting the paving that was recently done and the job the highway department did.

Irene Van Tassel spoke about the upcoming Constitution Day.

ADJOURNMENT

With no further business to conduct, Al Brandt made the motion, seconded by John Karinch, to adjourn the meeting at 7:41 p.m. Motion passed.

Cody Rhoads
Secretary