

A regular meeting of the Richland Borough Council was held on Tuesday, August 10, 2021, at 7:00 p.m. in the meeting room at the Richland Borough Building. The President being in the chair and the Secretary being present.

Present were President Kelly Bricker, Vice President James Niethammer, President Pro Tem Larry Hartman, Councilmembers Matthew Johnson, Mark Brubaker, Robert Rittle, Solicitor Andrew George, Road Supervisor Dwight Belleman, Assistant Road/Water Supervisor John Johnson, and Secretary/Treasurer Rebecca Schnoke. Absent was Councilmember Travis Randler, and Mayor Ray Shanaman.

President Bricker called the Richland Borough Council Meeting to order at 7:00 p.m. and asked everyone to stand and recite the Pledge of Allegiance.

The President asked for a motion to approve the previous months minutes. A motion was made by Larry Hartman, seconded by James Niethammer, to dispense with the reading of and approve the minutes of the previous meeting held on July 13, 2021. Motion unanimously carried.

President Bricker opened the floor for citizens' and visitors' comments. There were eight (8) persons present.

Beverly Eisenhauer & Donald Buser – 213 E. Main Street – attending meeting to discuss a drainage problem on her property from the stormwater pipe that runs on and discharges on her property. Beverly explained that the water exits the drainage pipe onto her property and no longer drains, it instead pools up. In addition to the drainage issue, Beverly stated that two small holes appearing to be about four foot deep have opened in her yard right above the opening of the pipe, and it appears the pipe has separated underground. Beverly expressed her concern for the safety of the children that frequent her property as well as her dogs, Beverly is wondering who is responsible for the repair of the pipe, and who she can address to have this matter investigated and corrected. Dwight Belleman and John Johnson advised that they believe it is the state's responsibility due to Main Street being a state road but are unsure of a definitive answer. President Bricker stated that the Secretary will contact the Borough Engineer to investigate this matter to determine who is responsible for repairing and maintaining the pipe.

Scott & Donna Ansel – 14 Georgie Lane – Would like to address two questions with Council regarding the property at 3 Georgie Lane that was recently sold, that is potentially to be some type of care facility. The two questions of concern are 1. Is the Borough aware of this matter and 2. Is this kind of facility permitted under low density residential zoning restrictions? President Bricker stated that we were just made aware of this matter and Kraft Code Services has begun to investigate the issue as this permit was approved by Lebanon County Planning. The Council has since separated from Lebanon County Planning as our zoning enforcement and the current enforcement agency, Kraft Code Services is looking to the issue to see if this facility is allowable based on the current zoning ordinance. Scott Ansel asked who they could contact if this facility should not have been permitted. Solicitor George advised that Kraft Code Services will investigate the matter and if in violation Kraft Code Services can issue a violation and proceed to correct the issue. Scott Ansel questioned what can be done to prevent the home being occupied until this is determined? Solicitor George stated that if a violation is issued then operations should be halted if the designated use is not permitted. Scott Ansel asked if as a community, if they could do anything to help this process

along, President Bricker stated that Kraft Code Services is working on this and Solicitor George will be reviewing ordinances and the Borough will contact Lebanon County Planning requesting more detailed information as to the nature and operations of the group home, and the reasons why it was permitted without a variance.

Loren & Jennifer Gerhart – 16 Georgie Lane – Loren & Jennifer Gerhart were here regarding the above-mentioned matter of 3 Georgie Lane. President Bricker asked how their previous noise issue has been and stated the last we had heard from Lebanon County Planning is that Musser Property Management wanted to reach out and meet with the residents regarding the noise complaints, President Bricker inquired if this has happened. Loren Gerhart stated that they have not reached out and in fact for a time the noise really ramped up and got a lot worse, at which time Mr. Gerhart attempted to contact Lebanon County Planning but was unable to get through. Loren state that Lebanon County Planning finally returned his call and stated that they are no longer handling these matters for Richland. Jennifer Gerhart noted that the noise ordinance states that it is coming soon on the website. President Bricker stated that we will look into this and work with the web designer to get the ordinances posted.

Andrew Voydik – 29 N. Race Street - Nothing to report.

Michelle Voydik – 29 N. Race Street - Nothing to report.

The following Committee reports were presented to Council: Water Report, Highway Report, Property Report, Finance Report, Safety Report, and Personnel Report.

Water Committee – met with Dan Becker regarding Well NO. 9 which will be discussed under new business.

Highway Committee – Martin Paving Inc. will be tarring and chipping Wednesday & Thursday to complete all the 2021 alley repairs. Dwight Belleman & John Johnson advised that they posted the alleys that will be maintenance as well as 3 vehicles that were parked on the alley surface.

Property Committee – a request to include a flyer with the April 2022 water billing was received from the Richland Beautification Committee. Council decided to table this decision until the next meeting as there is time to address this matter.

Personnel Committee – Nothing to report.

Finance Committee – Nothing to report.

Safety Committee –Nothing to report.

A motion was made by James Niethammer, seconded by Mark Brubaker, to accept the Committee Reports. Motion unanimously carried.

The following reports were presented to Council: Mayor Report, Road Supervisor Report, Office Report, Solicitor Report, Code Enforcement, and State Police Report.

Mayor Report – None submitted.

Road Supervisor’s Report – There were no questions on the report.

Water Report – The highest priority trees have been cut and the rest should be taken care of in the next two weeks. Dwight Belleman noted that there are a lot of logs laying around at the reservoir and asked for guidance as to what should be done with them. President Bricker advised that council will take a look at it and determine a course of action.

Office Report – There were no questions on the report.

Solicitor’s Report – There were no questions on the report.

Code Enforcement Officer Report – There were no questions on the report.

Police Report – There were no questions on the report.

MRJA Report – Electronic copy of monthly reports on file and available for viewing upon request, next meeting will be held September 8, 2021. The Millcreek-Richland Joint Authority Board currently has two vacant positions for Millcreek Township after the resignation of Lucas Blakeslee and Jason Angstadt.

A motion was made by Mark Brubaker, seconded by James Niethammer, to accept the Officials Reports. Motion unanimously carried.

The Financial Reports for July 2021 were submitted by Secretary/Treasurer Rebecca Schnoke. A motion was made by Robert Rittle, seconded by Matthew Johnson, to approve the Financial Report and have it on file for Audit. Motion unanimously carried.

The invoices were presented. A motion was made by Larry Hartman, seconded by Mark Brubaker, to pay all the invoices submitted for payment; Motion unanimously carried.

A motion was made by James Niethammer, seconded by Mark Brubaker, to ratify the bills paid; Motion unanimously carried.

The following communications were received:

June Monthly Municipal Report from Eagle Disposal (5.09 Tons); 7 Zoning Permits received from Lebanon Co. Planning, Kendra & Daren Ernfield, Joseph & Jennifer Goonan, Kenneth & Amy Stevenson, Castle Stone LLC, Matthew & Elizabeth Johnson, Melanie Hernley, Christopher Snyder; Received Thank You letter from the Lebanon County Agricultural Land Preservation Board regarding our 2021 contribution; Year 3 of 5 Winter Maintenance Agreement received payment to be received \$18,257.02.

Old Business:

Mark Brubaker and Kelly Bricker had a zoom meeting with Kraft Code Services regarding the transition from Lebanon County Planning to Kraft Code Services as zoning officer, building code official and property maintenance code enforcement. Kraft Code Services advised there was some

information such as the zoning hearing board solicitor's contact information, but as of July 13, 2021 they are able to go live with the switch. President Bricker advised that going forward Kraft Code Services is the point of contact for zoning permits, and that permits can be printed online from Kraft's website or a physical copy can be picked up at the Borough office.

Joel Winston with Cohen Law Group is inquiring if Richland Borough would like to increase the franchise fee from 3% to 5% of gross revenues from the provision of residential cable services. Vice President Niethammer questioned whether increasing the franchise fee will result in higher pricing for residents of the Borough. Andy Voydik questioned if we must have this agreement and because of this agreement does that limit who your provider can be, for example why is FIOS not an option. President Bricker advised that you could have any available service however due to the age and condition of our lines we are limited in service options. A motion was made by Mark Brubaker, seconded by James Niethammer to increase the cable franchise fee from 3% to 5% pending Joel's answer whether increasing to 5% will drive up the community costs for comcast, if it does, we will stick with the 3%; Motion unanimously carried.

President Bricker noted the previous meetings regarding service issues pertaining to Eagle Disposal. After the first meeting with Andrew Casey our municipal account manager in the beginning of the year, the service issues were resolved and for a few months the trash service was good, however the quality of service again decreased again. On August 3, 2021, none of the Borough recycling was picked and only half of the Borough trash was collected, President Bricker noted that she called Andrew Casey 3 times with no response, Secretary Schnoke attempted to call with no answer, and finally Dwight Belleman contacted Rick Kauffman the crew supervisor for Eagle Disposal. Rick stated that they are unable to find people to work. We will be setting up another meeting with Andrew Casey to discuss the service issues.

President Bricker announced that Richland Borough received the first installment of \$84,263.38 of the ARPA funds allocated through the CARES Act. These funds will be used based on the guidelines set by the federal government. Solicitor George advised that water projects are among the approved usages.

New Business:

A motion was made by Matthew Johnson, seconded by James Niethammer to adopt Resolution 2021-05 to appoint Conrad Siegel Investment Advisors, Inc. as the administrator of the Richland Borough Non-Uniform Employees Defined Contribution Pension Plan Effective January 1, 2021; Motion unanimously carried.

Liberty Environmental, Inc. requested permission to install 3 monitoring wells to assess the groundwater quality in the vicinity of the former Ron's Texaco. President Bricker asked assistant road supervisor John Johnson for his opinion regarding this request. John Johnson stated that he would like to gather more information regarding this matter that he has several questions of concern including 1. Will the presence of the well cap in the roadway be a hazard and potentially damage Borough equipment while plowing snow, 2. If contamination is found, who is responsible for the cost of clearing the contamination, and 3. What is the alternative if we do not allow the wells to be

placed in the street, why not put them on private property? President Bricker stated this matter can be tabled until the next meeting, and until the next meeting to acquire more information.

August 2, 2021, an informational session was held with Becker Engineering regarding the connection of Well NO. 9. Dan Becker presented the 3 proposed connection models and their corresponding pros and cons. Councilmember Matthew Johnson proposed another design option for the proposed connection models that would allow the use of the current 4log without disturbing the reservoir. Based on the different ideas and suggested solutions President Bricker announced there will be another water committee meeting before the next meeting with Dan Becker to analyze the connection models to identify the model that is in the best interest of the community for both the present and future.

A complaint was received regarding reckless riding of mini dirt bikes in alley's, the main concern is the safety of the children riding the dirt bikes as well as those traveling in the alleys. Solicitor George advised this is a police matter and should be forwarded to the State Police. To avoid having to utilize the State Police as they are so busy, Council will first attempt to resolve the issue by speaking with the individual.

President Bricker announced the Council will recess the Regular Session and enter Executive Session at 8:28 p.m. to discuss legal matters.

The Council returned from Executive Session at 8:37 p.m. reconvening the Regular Session.

The President asked if there were any comments for the good of the Borough, nothing stated.

A motion was made by Robert Rittle, seconded by James Niethammer, to adjourn. Motion unanimously carried.

The meeting was adjourned at 8:38 p.m.

Respectfully Submitted By:

Rebecca Schnoke,
Richland Borough Secretary