

A regular meeting of the Richland Borough Council was held on Tuesday, October 12, 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, President Pro Tem Larry Hartman, Councilmembers, Mark Brubaker, Travis Randler, Robert Rittle, Mayor Ray Shanaman, Interim Solicitor John Muir, and Secretary/Treasurer Rebecca Schnoke. Absent were Vice President James Niethammer and Councilmember Matthew Johnson.

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 Robert Rittle, to dispense with the reading of and approve the minutes of the previous meeting held on September 14, 2021. Motion unanimously carried.

President Bricker opened the floor for citizens' and visitors' comments. There were five (5) persons present.

Peter Edleman with Stevens & Lee, serving as bond council for the Millcreek-Richland Joint Authority. Mr. Edleman explained that the Authority serves both Richland Borough and Millcreek Township and, incurred debt years ago to build the treatment plant in Myerstown Borough. This debt has previously been refinanced twice and with current low interest rates the Authority is looking to once again refinance the current debt which is approximately eight million dollars with a final maturity of 2036 at an average interest rate of 2.5%. This outstanding debt is guaranteed by Richland Brough (30%) and the Millcreek Township (70%). With this refinance the interest rate with current market conditions would be reduced to approximately 1.5%, in addition to the Millcreek-Richland Joint Authority applying 2.5 million dollars to the principal of the outstanding bonds, resulting in a new maturity date of 2031 and a savings of approximately over three million dollars. The Authority is asking Richland Borough and Millcreek Township to continue their current obligation as guarantors of this debt and approve the refinance. Mr. Edleman stated this is a win-win situation for all parties as it drastically decreases the length and amount of the current obligation. Peter Edleman stated that under state law the action that is before Richland Borough Council at this meeting is to enact an Ordinance that will authorize the execution of the guarantee agreement under the described circumstances for the purpose of the refinancing with no new projects for the purpose of generating this debt savings, and that per state law the Ordinance has been advertised to allow for action to be taken at this meeting. With no questions regarding this matter President Bricker requested a motion to be made. A motion was made by Mark Brubaker, seconded by Larry Hartman, to Approve Ordinance #390 as presented. Motion unanimously carried. Mr. Edleman informed the Council that the next step in this process is that an application will be submitted to the state including a copy of Ordinance #390 with proof of publication to be reviewed to ensure that all proceedings were completed in accordance to state law.

Michael Klick – 5 Georgie Lane - Attending the meeting to express his concerns regarding the use of 3 Georgie Lane in Richland Heights as a group home. 3 Georgie Lane was sold to James Ojo who is in the health care system and is operating his business out of a residential home on Narrows Drive in North Lebanon Township in an RLD Zone. Mr. Klick's concern is with Mr. Ojo turning this property into a Group Home when it is zoned residential single family and the impact it may

have on the community. Mr. Klick stated that he has been told by a very credible gentleman that there is a group home in Womelsdorf that has made a big difference to the atmosphere of their neighborhood and on occasion the individuals residing at the group home have knocked on his door asking for help accompanied by frequent ambulance and fire department calls to this residence, and that there are constantly people coming and going. Michael stated that himself with nine other neighbors in the Richland Heights community are opposed to this group home. Mr. Klick stated that early on, he had multiple encounters with Mr. Ojo and his significant and that he was very deceptive about the intentions of the property. Mr. Klick questioned whether Lebanon County handled the approval of the permit correctly as there was no notification provided to any of the neighboring properties. John Muir stated that he was given a copy of the declaration for Richland Heights with the property deed restrictions. President Bricker informed Mr. Klick that Lebanon County approved the permit based on Richland Borough's current zoning ordinance which was written in the 1970's and does not exclude group homes from low density residential areas, because group home is not defined in the current ordinance it is considered a permitted use and therefore no notification to the Borough or residents was required for the approval of the permit. Secretary Schnoke advised when she reached out to Lebanon County Planning regarding the approval of the group home permit that additionally it was permitted because a single-family home is defined in the Richland Borough ordinance as allowing for up to 5 unrelated individuals to reside in the home. Mr. Klick posed the question of in the future what happens if a sixth person resides at the location? Councilmember Mark Brubaker stated that if this were to occur a complaint should be submitted and solicitor Muir added that as this property would be a rental property at this point the rental registration and inspection program ordinance would allow for an inspection to be conducted and the complaint to be investigated. Mr. Klick asked what is being done to alleviate this type of issue going forward? President Bricker stated that Council is looking into reviewing and amending all ordinances, however this is an expensive process that will be budgeted for. Mr. Klick posed the question of who decides all of the possible uses that are covered in the ordinances? Solicitor Muir advised that municipalities rely on their professional staff such as their solicitors and engineers for guidance to review and see if there are group homes, treatment homes, air BNB's and BRBO's in other municipalities and what potential issues need to be addressed in the ordinance as well as where it is permitted and that a lot of change has occurred since the 1970's with respect to communities and home operated businesses. Mr. Klick expressed his gratitude for the informative response, but expressed his concern that it is impossible to address every potential future issue and that there is a business going into a residential area and no one cares. President Bricker stated that it is not a true statement that no one cares, that this matter has been looked into in great detail, however at this point Richland Borough has to abide by its current ordinance and until there is a violation there is nothing that can be done, the Borough will rely on the community to inform the Borough of any future issues which can then be addressed with an inspection per the rental ordinance. President Bricker also stated that the state representative for this group home, Dixie Hoffman has stated that the state approval of this group home is still pending. Councilmember Robert Rittle advised that from the UCC and the state's viewpoint a single-family residence consists of 5 or less individuals and once the threshold of six or more individuals is reached it then becomes a commercial business.

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

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

Mark Brophy – Stonecroft Village, Marion Township – Mr. Brophy stated that he is an outsider but is attending our meeting to simply provide information regarding a possible project in Millcreek Township that he feels as a neighboring municipality Richland Borough should be aware of. A parcel of farmland just south of 419 right before entering Millcreek Township that is zoned commercial industrial could potentially be developed by a company called cold summit development that builds refrigeration units. Mr. Brophy stated that PennDOT has completed a traffic study and the concerns of this potential project that he would like to express are the amount of traffic that would be directed through the nearby municipalities as well as quality of life concerns. Solicitor Muir stated that this matter is a concern of Millcreek Township and that currently there is no action to be taken by the Richland Brough Council but the information and awareness is greatly appreciated.

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

Water Committee – president Bricker stated that the projected schedule for the connection of Well No. 9 has been received.

Highway Committee – Nothing to report.

Property Committee – President Bricker stated that we are still having some issues at the salt shed and that a couple of kids have been caught on camera.

Personnel Committee – President Bricker stated that the committee will meet to discuss employee evaluations.

Finance Committee – President Bricker stated that continued work on the 2022 budget is being done.

Safety Committee – President Bricker stated she has had several inquiries as to if the Fire Company has contacted the state regarding the shut down of streets for the parade to be held in 2022.

Councilmember Travis Randler stated that this has been taken care of.

A motion was made by Mark Brubaker, seconded by Travis Randler, 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 – President Bricker asked Secretary Schnoke if the street light on west linden street was fixed, Secretary Schnoke advised that John Johnson called regarding this matter. The light was fixed but is not working again and per the electric company the entire unit is to be replaced however they are waiting for parts, if this issue is not fixed by next week John Johnson will call to follow up with the electric company. Rebecca Schnoke provided an addition to the Road Supervisor's report that the hold up on the arrival of the new backhoe is due to a delay in getting the stabilizer arms, the unit is expected to be completed 10/21/21.

Water Report – financing options for the connection of Well No. 9 will need to be addressed in the near future based on the project schedule provided by Becker Engineering. Solicitor Muir stated that a lot of municipalities will rely on a municipal financial advisor such as Stevens & Lee, Concord Public Finance and BFM who will collect the borrowing parameters and will then shop and present it to a variety of lenders. Solicitor Muir advised that timing with this is crucial as this process does take time, 60-120 days on average. Solicitor Muir stated that a formal request for proposal is not required as it is a professional service and depending on the size of the project, we will most likely get interest from multiple banks and borrowing opportunities. Solicitor Muir stated that if Council gives direction to do so he will reach out to Dan Becker and some municipal financial advisors to discuss the matter in order to get the process started and gather more information. Council requested that Solicitor Muir reach out to different municipal financial advisors to start gathering information regarding financing opportunities.

Office Report – There were no questions on the report.

Solicitor’s Report – Solicitor Muir submitted a solicitor’s report and introduction letter in the absence of Solicitor George. 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 September report.

MRJA Report – Electronic copy of monthly reports on file and available for viewing upon request. next meeting will be held November 1, 2021. The Millcreek-Richland Joint Authority Board, currently has one vacant position for Millcreek Township remaining.

A motion was made by Travis Randler, seconded by Larry Hartman, to accept the Officials Reports. Motion unanimously carried.

The Financial Reports for September 2021 were submitted by Secretary/Treasurer Rebecca Schnoke. A motion was made by Mark Brubaker, seconded by Larry Hartman to approve the Financial Report and have it on file for Audit. Motion unanimously carried.

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

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

The following communications were received:

August Monthly Municipal Report from Eagle Disposal (7.22 Tons); 2 Zoning Permits received one from Lebanon Co. Planning, Chris & Elizabeth Strause (Fence), and one received from Kraft Code Services, Charles & Diana Tyler (fence); Notice of Estimated 2022 Municipal Liquid Fuels Allocation \$43,833.04; Third Quarter Comcast Cable Franchise Payment Received \$3,844.03; Greater Lebanon Refuse Authority Waste Disposal Fee Information Received; Lebanon County Redevelopment Authority Housing Assistance Notice of changes to the First Time Home Buyer & Owner-Occupied Housing

Rehabilitation Programs; ARPA Notice that Compliance & Reporting Guidance to be received at a later date; 2021 Volunteer Fire Relief Allocation received \$7,247.60; 2021 Pension State Aid Allocation Received \$9,594.56; Lebanon County Commissioner 9/16/21 Meeting Highlights; Keystone Collections notification that 2022 tax amendments must be submitted to DCED prior to 12/1/2021; Lebanon County Conservation hosting a Spotted Lanternfly Field Day October, 16, 2021; PA Department of Labor & Industry Uniform Construction Code 5 year audit review.

Old Business:

President Bricker provided an update on the Speed Limit Adjustment Project, we are currently waiting for a response from PennDOT.

President Bricker provided an update regarding the letter previously submitted by the Richland Beautification Committee that they would like to include with the first quarter water bill, Council originally declined the letter but proposed a revised version. The Richland Beautification Committee submitted a letter declining the revisions and therefore at this point Council will not be including this letter on their behalf.

President Bricker provided an update regarding the request made by Liberty Environmental, Inc. for permission to install 3 monitoring wells to assess the groundwater quality in the vicinity of the former Ron's Texaco. Liberty Environmental is willing to do a site visit to discuss the placement of the monitoring wells, and if access is denied by the Borough and access to private property is unable to be obtained it will be reported to DEP who can then dictate that the access be granted. President Bricker stated that we want to work with them in any way that we can. Solicitor Muir stated he has had clients who have used Liberty Environmental and they are well known, but if the Borough is going to grant access, then a maintenance or restoration agreement needs to be provided and reviewed to ensure the protection of the Borough. Solicitor Muir stated that a site visit is a good idea to obtain more information and to address and discuss any concerns. President Bricker directed Secretary Schnoke to setup a site visit with Liberty Environmental before the next meeting.

New Business:

Upon review of the Zoning Hearing Board Appeal Application Councilmember Robert Rittle suggested that the parcel ID number be included on the application. Solicitor Muir advised that the application can be accepted with the addition of the Parcel ID#. A motion was made by Larry Hartman, seconded by Mark Brubaker to adopt Resolution 2021-07 to adopt the Zoning Hearing Board application or appeal form and the fee schedule for the Zoning Hearing Board Hearing Fees, motion unanimously carried.

A motion was made by Mark Brubaker, seconded by Travis Randler to approve a contribution in the amount of \$1,000.00 to the Lebanon County Agricultural Preservation Board for 2022; Motion unanimously carried.

A motion was made by Larry Hartman, seconded by Mark Brubaker to approve the Richland Fire Police to provide their services if available to the Borough of Myerstown for the Holiday Parade Saturday November 27, 2021, with a rain date of Sunday November 28, 2021; motion unanimously carried.

A motion was made by Mark Brubaker, seconded by Larry Hartman to approve the Capital Blue healthcare insurance renewal of the Medical Gold PPO 500/0/25 RX 250, Senior Plan, Vision 12/0 Optimal, and Dental PPO Choice Plans with a 15% employee contribution; motion unanimously carried.

Michael Klick stated that he would like to express his apologies for his previous comment that the Richland Borough Council does not care regarding the matter of 3 Georgie Lane. President Bricker stated that while there is no reason for an apology, she greatly appreciates it and hopes that Mr. Klick knows that Council does care.

President Bricker announced the Council will recess the Regular Session and enter Executive Session at 8:10 p.m. to discuss personnel matters and requested Secretary Schnoke to step out.

The Council returned from Executive Session at 8:19 p.m. reconvening the Regular Session.

The President asked if there were any comments for the good of the Borough, none presented.

A motion was made by Larry Hartman, seconded by Robert Rittle, to adjourn. Motion unanimously carried.

The meeting was adjourned at 8:20 p.m.

Respectfully Submitted By:

Rebecca Schnoke,
Richland Borough Secretary