

A regular meeting of the Richland Borough Council was held on Tuesday, June 14, 2022, 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.

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.

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

The President asked for a motion to approve the previous months minutes. A motion was made by Travis Randler, seconded by Mark Brubaker, to dispense with the reading of and approve the minutes of the previous meeting held on May 10, 2022. Motion unanimously carried.

President Bricker opened the floor for citizens' and visitors' comments. There was three (3) persons present.

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

Michelle Voydik – 29 N. Race Street – Michelle Voydik inquired what happened to the plaques that were previously displayed on the wall. President Bricker advised the plaques are still present in the Borough Office but have not been put up yet.

Harlan Nolt – 206 W. Linden Street – present at the meeting to see the preliminary stormwater management plans for the proposed ELM Street development.

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 advised there were leaks detected with meter reading this week, all have been mitigated and that water bills will be going out. Dwight Belleman advised there will be a lot of water testing to perform in the next couple weeks.

Highway Committee – Dwight Belleman reported that the tarring & chipping of Pine Street, S. Park Street and Raspberry Alley was to occur June 15, 2022, but has been postponed due to weather and will take place on the next nice day, and that he will post no parking signs as soon as the date is confirmed to provide residents as much notice as possible.

Property Committee – President Bricker advised that once again there are children that are playing on the salt pile at the shed despite the no trespassing signs.

Personnel Committee – Nothing to Report.

Finance Committee – Nothing to Report.

Safety Committee – Nothing to Report.

A motion was made by James Niethammer, seconded by Robert Rittle, 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 – There were no questions on the report.

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 – Meeting was held June 6, 2022, electronic copies of the monthly reports are on file and available for viewing upon request, the next meeting will be held July 11, 2022.

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

The Financial Reports for May 2022 were submitted by Secretary/Treasurer Rebecca Schnoke. A motion was made by Matthew Johnson, seconded by James Niethammer to approve the Financial Report and have it on file for Audit. Motion unanimously carried.

The invoices were presented and reviewed by Councilmember James Niethammer. A motion was made by Mark Brubaker, seconded by Matthew Johnson, to pay all the invoices submitted; Motion unanimously carried.

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

The following communications were received:

- April 2022 Monthly Municipal Report from Eagle Disposal (6.75 Tons).
- 1 Zoning/Building Permits Issued
 - Ron’s Woodworking (305 Poplar Street - Addition).
- Lebanon County Commissioners 5/19/22 & 6/2/22 Meeting Highlights.
- US Census Bureau Announcement of the 2020 post-census review program.
- Approval letters from Heidelberg Township for Fire Police support for the upcoming June 18, 2022, Fireman’s Parade.
- Greater Lebanon Refuse Authority’s Electronic Recycling Facility Dedication invitation, dedication to be held September 13, 2022.
- May 2022 State Police Fines & Penalties Payment received in the amount of \$282.26
- PennDOT notice of federal REAL ID Enforcement beginning May 3, 2023.

Old Business:

N. Race Street Update – President Bricker advised there was a public meeting held June 9, 2022, for the North Race Street Residents, and in attendance were Casey and Rob of Becker Engineering.

President Bricker advised that the engineers shared the preliminary plans received from PennDOT and that they have forwarded the follow up questions that resulted from the meeting and are awaiting an answer from PennDOT.

Tar & Chipping of Vine Street, S. Park Street & Raspberry Alley – President Bricker advised that as previously mentioned by road supervisor Dwight Belleman the project has been postponed due to weather and will occur on the next nice day. President Bricker stated to use the Swift Reach alert system to notify residents of the date once determined and that there will be no parking between the hours of 6:00am and 5:00pm. A motion was made by Robert Rittle, seconded by Travis Randler to approve the towing of vehicles parked on the street inhibiting the tarring and chipping of Vine Street, S. Park Street and Raspberry Alley; Motion unanimously carried.

New Business:

Schwarzman Enterprise request for no parking signs to be placed on Curtis Street across from the Fargo Assembly building. Secretary Schnoke advised she was contacted by the owner with this request, and he stated he would attend the meeting to explain that the tractor trailers are unable to make the turn on to Curtis Street if cars are parked along the field. Road supervisor Belleman stated that when Plain & Fancy was previously at the current location of Schwarzman Enterprise that their trucks were able to navigate the turn as it is, and that is the reason there is no parking on the side of the street towards the Fargo Building. Dwight Belleman explained that tractor trailers should be entering apple alley from linden street and not form S. Race Street and therefore no parking signs should not be required to make the turn onto Curtis Street. After discussion it was decided that the matter should be tabled until further discussion with the owner could occur.

Glenn Bertolet from Kraft Code Services provided an update pertaining to the previously received noise complaint against Blue Lake Industries. Glenn Bertolet advised the first complaint received pertaining to the noise caused by the dust collectors at this location stated the noise level traveling across the property line was recorded by a resident to be between 80-90 decibels. The resident has submitted a follow up complaint for the same matter stating there has been some improvement however the recorded noise traveling across the property line is approximately 70 decibels which is above the allowed decibel level stated in the Borough's noise ordinance. Glenn Bertolet advised that Kraft Code Services does not have the equipment or certifications required to take decibel level recordings, which makes the noise ordinance more difficult to enforce. Glenn Bertolet stated typically noise ordinances are enforced based on observation of significant disturbance however from his observations on site the noise is a constant noise that doesn't really spike, but the residents are persistently complaining and upset about the issue. Glenn Bertolet requested direction from Council on how to move forward and respond to the resident. Options for Council to consider would be to hire a certified professional with calibrated equipment to perform a test which would be at the Borough's expense or to allow Kraft to continue to enforce this noise complaint as they have in the past. President Bricker asked Solicitor Andrew George and Code Enforcement Officer Glenn Bertolet if a letter could be sent requesting inspection and maintenance information regarding the dust collectors to confirm if there have been any modifications to the dust collectors or if they are operating to the standards of the manufacturer, both Solicitor George and Glenn Bertolet agreed this is a viable option. President Bricker stated she would like to amicably resolve this matter with the business and advised that Kraft Code Services first request and complete an inspection of the

equipment to confirm the equipment is working properly and research the cost associated with having a certified company perform a decibel level test. A motion was made by James Niethammer, seconded by Mark Brubaker to approve Glenn Bertolet with Kraft Code Services to setup a maintenance inspection with Blue Lake Industries regarding the noise complaint; Motion unanimously carried.

A motion was made by James Niethammer, seconded by Robert Rittle to approve a noise ordinance exception for the Neptune Fire Company to extend the time until 11:00pm on June 18, 2022, for the purpose of the fireworks following the Lebanon County Fireman's Parade.

Randy Hess from Hess Home Builders presented preliminary sketch plans for the ELM Street Development. Mr. Hess provided background information for his business, they are based out of Lancaster County and have been in business since 1965 and that his partner Boyd Wilson Property Management is also based in Lancaster County and has been in business since 1968 and that currently they work in multiple counties primarily in South Central and Southeastern Pennsylvania. Mr. Hess stated that the plans he is presenting are preliminary sketch plans and are not engineered plans but show the 24.7-acre lot located on the south side of Elm Street which is zoned high density residential with access to public sewer and public water where they are preliminarily proposing a mixture of 9 apartment buildings consisting of 130 units and 52 townhouses accompanied by a community building. Mr. Hess stated again these are simple sketch plans being presented to Council and the Public for the purpose of gathering feedback and identifying any initial concerns and that matters of engineering to be addressed include traffic, parking, stormwater management, and sewer and water capacities. Mr. Hess stated that currently there is a barn located on the property and that their preference is to keep and utilize the barn however there are matters of Right of Ways that need to be researched but at this time they are not proposing demolition of the barn. Mr. Hess asked if there are any questions or concerns regarding the sketch plan presented. President Bricker asked Harlan Nolt to share his current questions and concerns. Harlan Nolt expressed his concerns regarding stormwater management and asked if the stormwater runoff from the development will be coming onto his farmland. Randy Hess stated that the simple answer to the question is yes as the current stormwater does run to that point, however none of the engineering regarding stormwater management has been completed at this time. Mr. Hess stated that the stormwater management area will be in the East corner of the property and will be engineered based on the Lebanon County regulations. Mr. Hess stated he understands Mr. Nolt's concerns and that the concerns are valid concerns and asked for further clarification to fully understand so that they can best address them going forward. Mr. Hess stated that he would like to meet and observe the discharge area on Mr. Nolt's property after the stormwater management engineering has been looked at more specifically and work with him going forward to attempt to obtain a resolution to alleviate any concerns. Mr. Nolt stated his biggest concern is the slow release of water that will result in the low part of his field constantly being wet and dividing his field into two. Mr. Hess stated he understands the concern but unfortunately until the engineering is looked at there is no answer at this time however, he would like to stay in contact with Mr. Nolt to keep him updated and work through this. Mr. Hess stated that the current timeframe for completed plans is end of year and for any actual work to start is most likely 18 months or longer. Michelle Voydik asked if there will be sidewalks, Mr. Hess stated that they strive to make the development as livable and walkable as possible, therefore they are proposing an extensive system of walking trails and that the number of apartment units is proposed to be 130 because in their experience it is the minimum needed to justify onsite management which is the preference. Michelle Voydik inquired whether the apartments would be section eight housing, Mr. Hess stated that they do all market rate housing and no section eight,

subsidized or tax credit restricted market rates and stated he would encourage the Council to check with other municipalities that Hess Home Builders has worked with. President Bricker stated she has investigated this already and was pleased with her findings. Councilmember James Niethammer inquired whether the main horseshoe road would be dedicated to the Borough, Mr. Hess stated that this is their plan, and the rest would be private, but ultimately that will be a decision made by Council after plans are engineered and submitted for approval. Councilmember Matthew Johnson inquired about the entrances and exits for traffic and if there are any emergency entrances for fire access, Mr. Hess stated there are some ideas that will be considered while engineering, and that the traffic coming out to Chestnut will be engineered to the standards of the Lebanon County SALDO. With no further questions presented, President Bricker thanked Mr. Hess for his time and expressed her appreciation for him presenting the preliminary sketches and working with the Borough to obtain feedback and address any concerns. Mr. Hess thanked Council for their time and stated he is excited to work with the Borough.

A motion was made by James Niethammer, seconded by Mark Brubaker to approve Resolution 2022-15 to adopt the revised water rules and regulations for construction of water facilities; motion unanimously carried.

President Bricker stated that the Richland Community Library reached out with several requests for June 18, 2022.

1. Close Cherry Alley from E. Main Street to Strawberry Alley
2. To put a sign out reserving the sidewalk space in front of the library.
3. To setup a table in front of the library to distribute information about the library and to sell popcorn, cotton candy and snow cones.

A motion was made by James Niethammer, seconded by Travis Randler to approve the requests submitted by the Richland Community Library for June 18, 2022; motion unanimously carried.

A motion was made by Mark Brubaker, second by Robert Rittle to approve the Community Outreach flyer to be included with the second quarter water bill with the stipulation that the Neptune Fire Company has approved the event to be held on the Fire Company Carnival Grounds; motion unanimously carried. President Bricker advised Secretary Schnoke to contact Randy Simmon to confirm the Fire Company's approval of the event.

President Bricker advised a request was received for the Fort Zeller's Book Mobile to park on Pine Street and utilize the grass on the Borough Property on 6/20/22, 7/18/22 and 8/3/22 during the hours of 6:00pm – 7:30pm for the purpose of their read aloud program which is geared towards children in grades K-5th but all are welcome. A motion was made by Robert Rittle, seconded by James Niethammer to approve the Fort Zellers Book Mobile request; motion unanimously carried.

President Bricker requested Secretary Schnoke to provide the detail of her meeting with Charlie Schmehl of Urban Research and Development Corporation regarding Richland Borough's zoning ordinance. Secretary Schnoke stated that this company reviews zoning ordinances and maps for any areas of concerns or areas to be updated. Secretary Schnoke advised she provided a copy of the current zoning ordinance to Charlie Schmehl prior to the meeting to perform a preliminary review for him to provide feedback and professional opinion of the current ordinance. Secretary Schnoke stated that the feedback provided by Mr. Schmehl is that the ordinance is very old and contains a lot of issues that should be addressed, and his professional opinion is that the ordinance should be rewritten. Secretary Schnoke shared that the estimated cost of this project provided by Charlie

Schmehl would be approximately \$15,000 - \$16,000, and that he stated the zoning map looks good which saves the Borough money because it will not need to be redone. Secretary Schnoke shared that this matter was investigated due to the identification of uses not currently addressed by the ordinance as well as some inconsistencies in the permitted uses of certain districts. After discussion of this matter a motion was made by James Niethammer, seconded by Mark Brubaker to approve Charlie Schmehl of Urban Research and Development to rewrite the Richland Borough Zoning Ordinance; motion unanimously carried.

President Bricker stated that information regarding the PA Housing Finance Agency's Homeowner Assistance Fund Program (PHFA) was received. A motion was made by Robert Rittle, seconded by James Niethammer to table this item for further review of the material; motion unanimously carried.

President Bricker announced the Council will recess the Regular Session and enter Executive Session at 8:14 p.m. to discuss legal matters.

The Council returned from Executive Session at 8:21 p.m. after discussing legal matters and reconvening the Regular Session.

President Bricker asked if there were any comments for the good of the Borough. With no additional matters presented a motion was made by James Niethammer, seconded by Robert Rittle, to adjourn. Motion unanimously carried.

The meeting was adjourned at 8:22 p.m.

Respectfully Submitted By:

Rebecca Schnoke,
Richland Borough Secretary