



MINUTES

Rimersburg Borough Council Meeting

Date | time Sept. 21, 2020 | 7:00 p.m. | Meeting called by Regularly Scheduled

In Attendance

Council: Roger Crick, Pam Curry, Mark Deeter, Jeffrey Kaetzel, Scott Myers, Dan Stewart, ~~F. L. Stewart~~, Timothy Yeany/ Mayor
Also Present: Chief Bob Malnofsky/ New Bethlehem Police Dept.; Josh Walzak/ Leader Vindicator; Patty Alworth/ Rimersburg Boro. Mun. Auth.; Frank McNaughton/ Boro. Maint. Sup.; Jessica Shernock/ Borough resident; John Creece, Brenda Brinker, John Kimmel/ Union School District Board members and Superintendent

Call to Order

The September 21, 2020 regularly scheduled meeting of the Rimersburg Borough Council was called to order by Council President, Scott Myers at 7:00 p.m. with all present standing for the Pledge of Allegiance and a prayer led by Scott.

Persons to Be Heard

Frank presented the previous month's water report for Council review. Medardo Estates' typical usage is around 60,000 gallons per month. Last month, however, they used 162,000 gallons and this month, they used 282,000 gallons. Frank is aware that they were working at finding the source of the leak last month, installing valves to isolate areas, etc.

Roger asked about the school flashers on either side of School Street along Route 68, whether it is PennDOT who removes them or other. Frank will speak to Jim Schepis to find out.

Frank asked Council to approve purchase of safety gear, specifically 3 safety t-shirts and one hooded safety sweatshirt per employee for a total cost of \$337.00. Dan made a motion to purchase the specified safety gear, seconded by Mark, and approved by a unanimous vote in favor.

Chief Malnofsky reviewed the August police report for Council. He informed Council that the 2020 5% increase had not been included on the monthly police invoices for the year so far. The difference is just over \$200.00 per month difference. Borough Council had included this increase in the budget, so that was not a concern. Chief asked if Council would like to use the Borough's 217.5 banked hours from 2019 to offset the difference or keep the banked hours and pay the difference. He added that it looks as though there will be banked hours for the 2020 year, although not as many. Mark Deeter made a motion to use the 2019 banked hours to offset the invoice error difference to this point. His motion received a second from Roger, and carried with a unanimous vote in favor.

Borough Trick or Treat and Lions' Halloween Parade were discussed briefly and general consensus was in favor of holding Trick or Treat Sat., 10/31/2020 from 6:00 p.m.-8:00 p.m. Lions may decide to hold parade Thurs., 10/29/2020, have firemen hand out treat at end, but not go inside to do costume judging events. For this reason, it was proposed to combine with Trick or Treat on Sat. and line up for parade 5:30 p.m., march parade at 6:00 p.m., then on to Trick or Treat. Lions will decide at their meeting. Council may revisit at next meeting 10/05/2020.

Chief expressed the desire to have a Rimersburg representative on the non-profit Police Association and establish events in Rimersburg Borough such Cops & Bobbers in New Bethlehem. Tim expressed interest among others.

Jessica Shernock, a Rimersburg Borough resident was present to ask Council to grant a variance or waiver of fire wall requirements between her residence and her pedicure salon in the rear of her residence. Following some guidance from Attorney Hager, it appears that Borough Ordinances point to PA Uniform Construction Code. PA UCC includes both the 2015 International Building Code and 2015 International Existing Building Code, both of which are referred to the architect's letter on her behalf and attorney Hager's response to the Borough office. The 2015 International Building Code states "[A] 101.4.7 Existing buildings. The provisions of the International Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings." While the 2015 International Existing Building Code states "[A] 104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code," it also

states “[A] 104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Department of Building Safety.” The 2015 International Existing Building Code states under Board of Appeals, “[A] 112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.”

General consensus of this material is that the Building Code official, Jeff Elder, may actually have the ability to determine whether her requirements can be altered, but it does not appear that Borough Council or an Appeals Board it may appoint would have the authority to grant a variance or waiver according to state law. Mark Deeter offered to contact Jeff Elder to discuss the matter with him for Ms. Shernock.

Union School District Superintendent, John Kimmel, spoke on behalf of the School District to inform Borough Council the path taken to sell the Rimersburg Elementary School Building privately. The sale is not complete. The process for the path chosen includes a court date of October 23, 2020 during which the judge will decide if the offer accepted by the school is valid and approve the sale. The process was advised by their attorney and saves advertising costs among other things. For instance, the school is able to make stipulations in the sale contract regarding the ball fields, courts, and playground. The school intends to maintain and use the ball fields in season. They do not foresee being able to maintain them in off season. He mentioned that they can also include a right of first refusal if the property should come up for sale in the future. Borough Council expressed concerns over the playground and courts remaining available to the community and disappointment in not being involved. The buyers were not present to ask or answer questions on this subject.

Approval of Minutes

The August 3, 2020 minutes were read and approved by a motion from Jeff Kaetzel, second by Mark Deeter, and a unanimous vote.

Financial

Bank Account balances were shown plainly on reports provided for Council review. The 2021 Pension Minimum Municipal Obligation (MMO) report was presented. Pam Curry made a motion to pay the bills and to approve the 2021 Pension Minimum Municipal Obligation (MMO) as presented. Her motion was seconded by Dan Stewart, and carried by unanimous vote.

Committee Reports

Mayor: The mayor reported that it appears the Krannackers have kept their word and just parked in their designated delivery space. Other cars appear to be parked elsewhere, and not along Main St.

Personnel Committee: The committee has met and has come up with a tentative proposal to work through during 2021 budget planning.

Public Safety: General approval of the Chief's performance along with community interest and interest in involving kids of all ages was expressed. Police performance seems improved overall since staff change over.

Building Committee: None

Streets Committee: Hager Paving 2020 Seal Coat Project is completed.

Frank presented PennDOT recommendations for 2 signs to be placed on Cherry Run St. in response to previous concerns raised by residents regarding car speeds in the area. The signs will say “watch Children,” be paid for and placed by the Borough. The total cost is \$154.00. Jeff made a motion to purchase and place the signs, seconded by Pam, and approved with a unanimous vote in favor.

Due to Borough survey, though markers not yet placed, the Borough line ends approximately 30-50 feet before the pavement ends on Preister Alley. General consensus was reached to send the Rishers a letter that Town Lane is entirely in Toby Township regarding their storm water issue.

Frank had Hager Paving assess the benefit and possibly provide an estimate for placing a crown on Baker Street to alleviate the storm water issue in Davis' driveway. Don Hager expressed that placing a crown on the street would not

solve the problem and recommended 2-3 catch basins be placed on Baker Street. It is feared that catch basins will be expensive. Council asked for Dan Davis to be contacted and invited to meet with the Streets Committee to find out if he has a specific idea in mind.

Unfinished Business

None

Correspondence

None

New Business

Wed., Sept. 30, 2020 6:00 p.m.-8:00 p.m. was set as the first budget workshop.

Adjournment

Monday, October 5, 2020 | 7:00 p.m., is the next regularly scheduled meeting of the Rimersburg Borough Council at the Rimersburg Borough Building.

The meeting was adjourned at 8:20 p.m. by general consensus.

Respectfully Submitted,

Dana L. Solida
Borough Secretary