

**Mercersburg Borough Council**  
**Re-Organization Meeting**  
**Borough Hall, Mercersburg, PA**  
**January 6, 2014**  
**MINUTES**

**Attending:** Mayor Jim Zeger, Tom Suddeth, Jeff Main, Chris Frisby, Donald Stoner, Jon Kittredge, Borough Manager Tammy Oberholzer, Assistant Borough Manager Dawn Scheller, Solicitor Tom Finuccane

**Absent:** Betty Stenger, John Freeland, Borough Engineer

**Guests:** District Justice Jody C. Eyer and other guests as listed on the sign-in sheet

**Press:** Brittany Munson – Mercersburg Journal

Meeting began at 7:00 pm.

Borough Manager Tammy Oberholzer introduced Brittany Munson from the Journal to Council and reviewed that Brittany was recording the meeting.

Mayor Zeger welcomed all who attended, especially the Cub Scout Pack #28 in attendance.

District Justice Jody C. Eyer swore in re-elected Mayor James Zeger, re-elected Council Members Donald “Dusty” Stoner, Tom Suddeth, Chris Frisby and newly elected Council Member Jon Kittredge along with re-elected Tax Collector Richard Nelson.

Mayor James Zeger called the re-organization meeting to order and led the Pledge of Allegiance.

A Boy Scout Troop Leader asked what the Council does for the Borough of Mercersburg.

Mayor Zeger stated that the Borough is the government Body of the Borough of Mercersburg. The Council runs the budget, the different Ordinances and the enforcement of those, the maintenance people work with the Authorities to ensure good water and sewer services. The Council is in charge of taking care of the town. He introduced Mrs. Oberholzer, Borough Manager and reviewed that very dedicated people come to participate on Council. Mayor explained that when you love the community you give your time to try to make it the best possible place to live in.

Jon Kittredge remarked that before the meeting continues, he wanted it to be said that he contends Mr. Frisby’s legality for sitting on Council. Jon believes that it has gone from an electoral issue to a criminal issue. Jon stated that he believes that he has committed Election Fraud and perjury and he will follow the issue thru.

Mayor James Zeger opened up nominations for Council President.

The following nominations were made 1) Donald Stoner and 2) Tom Suddeth. There being no further nominations, the Mayor called for a vote, two ayes for Donald Stoner, three nays; three ayes for Tom Suddeth, two nays.

Tom Suddeth is Council President by Resolution 01-14.

Mayor James Zeger opened up nominations for Council Vice-President.

The following nominations were made 1) Jeff Main and 2) Chris Frisby. There being no further nominations, the Mayor called for a vote, three ayes for Jeff Main, two nays.

Jeff Main is Council Vice-President by Resolution 01-14.

Mayor Zeger turned the gavel to Council President Tom Suddeth.

Council President asked for the nomination for Council President Pro-Tem.

Chris Frisby asked to speak regarding Mr. Kittredge's remarks or his charges of his acts being illegal, criminal and fraudulent. Chris said that none of his actions fit any of those descriptions. Chris Frisby stated that his seat has been held legally, that he ran a write in campaign with no obligation to Mr. Kittredge or to notify him to run or not to run. Chris stated that Jon has taken a great interest in his position. Chris says that he is happy that Jon will see it thru. Chris Frisby stated that the legal standard is clear on this issue and there have been a number of cases decided in PA Courts in similar situations, and for the record he won two write in campaigns, and he does claim Mercersburg as his legal residence and has been a lifelong resident of the Borough and is happy to refute any future charges that may come his way.

President Suddeth asked for any other comments.

Jon Kittredge reviewed that his contention is that Chris Frisby resides in St. James School, MD, that Chris may have resided here in the past and future, but he believes at this time Chris does not. Jon stated that he believes Chris is illegally on Council. Jon continued to say for him to have signed the affidavit is perjury.

Mayor then spoke and said as you have been told, Jon interrupted Mayor Zeger, and Mayor said that John needs to take it to the courts. Jon Kittredge then said he is doing so. Mayor spoke and said then settles it there. Jon said then tell Mr. Frisby to do the same.

Council President recognized Mr. Heefner.

Mr. Heefner spoke and said that he believes that they are wasting Council's time and it is an issue for the Courts of Franklin County.

The Mayor and Jon continued their discussion while Mr. Heefner spoke.

President Suddeth called the meeting back to order, directed Jon to follow thru legal procedure and asked that there be no more name calling and opened the floor for President Pro-Tem Nominations.

Donald Stoner was nominated for President Pro-Tem by Jon Kittredge and seconded by Chris Frisby. Donald Stoner declined the nomination.

Chris Frisby nominated Mr. Freeland for President Pro-Tem. President Suddeth asked the status of Mr. Freeland, Tammy Oberholzer reviewed that he is on Council until he submits his resignation. Tom Suddeth reviewed that when he resigns they can always appoint another President Pro-Tem.

Tom Finuccane reviewed that it is very rare that they will need a President Pro-Tem and Council could decide to delay the vote on it.

President Suddeth asked Council their wishes, it was decided that Council would wait to appoint the President Pro-Tem until a future Council Meeting when all seats have been filled.

President Suddeth moved on to the appointment of Check Signers. Discussion occurred with who the current check signers are and the following motion was made and completed.

**MOTION: to approve Resolution 02-14 naming check signers to be Tom Suddeth, Jeff Main and Donald Stoner, a vote was taken, all ayes, motion carried.**

Solicitor recommended moving forward that Council use a consent agenda which would assist and speed up these items. President Suddeth asked that this be used in the future.

**MOTION: to approve Resolution 03-14: to fill Mercersburg Water Authority Vacancy appointing Gregg Davis to fill a term expiring December 31, 2018 was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.**

**MOTION: to approve the following Resolutions: Resolution 04-14: to fill Mercersburg Sewer Authority Vacancy appointing Catalin Bonciu to fill a term expiring on December 31, 2018; Resolution 05-14: to fill vacancy on the Mercersburg General Purpose Authority appointing William Keefer to fill a term expiring on December 31, 2018, Resolution 06-14: to fill the vacancies on the Mercersburg Zoning Hearing Board appointing Maurice Gossert as member and Thomas Riford (as alternate) to fill a term expiring on December 31, 2016, Resolution 07-14: to fill the vacancy on Mercersburg HARB Board appointing Judi Kelsey to fill a term expiring on December 31, 2018, Resolution 08-14: to fill the vacancies on the Mercersburg Fire Board appointing Thomas Suddeth and Jeff Main to fill a term expiring on December 31, 2014, and Resolution 12-14 approving Josh Meyers to serve on the Vacancy Board was made by Donald Stoner, second by Jeff Main, all ayes, motion carried.**

President Suddeth asked that all Council Members forward any interests in Council Committees to Tammy Oberholzer and she will forward them to Council President for review.

**MOTION: to approve Proposed Meeting Dates and approve the Advertisement as required was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.**

President Suddeth asked for Public Comments, no comments were made at this time.

President Suddeth asked to move onto to Old Business there was no Old Business Presented.

President Suddeth moved onto the New Business.

Tammy Oberholzer presented invoices which Amy Hershey, Bookkeeper prepared.

President Suddeth wanted to continue with the Business listed on the Agenda.

**MOTION: to approve Resolution 09-14: to fill the vacancy on the Chambersburg Area Wage Tax Board appointing Tammy Oberholzer as Board Member and Dawn Scheller as alternate was made by Donald Stoner, second by Jeff Main, all ayes, motion carried.**

**MOTION: to approve Resolution 10-14: to fill the vacancy on the Franklin County Council of Governments appointing Tammy Oberholzer as the Borough's Representative and Dawn Scheller as alternate was made by Donald Stoner and second by Jeff Main, all ayes, motion carried.**

Council President then asked if there was any additional New Business.

Council Members discussed the Invoices presented. Council Member Jon Kittredge asked that any invoices needing approval would be distributed in the packets 3 days before the Council Meeting. Tammy explained that the bookkeeper is a contracted employee who is in the office only on Mondays and Wednesdays, and the only items typically on the list is anything that may have come in Thursday-Monday. Jon Kittredge asked that they get all the information as soon as possible.

**MOTION: to approve the Invoice List as presented was made by Jeff Main, second by Jon Kittredge, all ayes, motion carried.**

Tammy Oberholzer presented Council with a letter of Resignation from Betty Stenger's POA and a letter of interest to fill the vacancy from Tom Heefner.

President Suddeth read both letters to Council.

**MOTION: was made to accept with regret Betty Stenger's resignation from Borough Council was made by Jon Kittredge, second by Chris Frisby, all ayes, motion carried.**

President Suddeth opened up for nominations to fill the Council vacancy.

Jeremy Jones and Tom Heefner were nominated.

**MOTION: to approve Resolution 11-14 to fill Borough Council vacancy with a term to expire on December 31, 2015 appointing Jeremy Jones was made by Jon Kittredge, second by Jeff Main, Donald Stoner and Chris Frisby opposed, remaining ayes, motion carried.**

Tammy Oberholzer notarized Jeremy Jones affidavit of Residency and Mayor Zeger swore in Jeremy Jones to Council. Jeremy Jones received a Council Packet and took his seat on Council.

President Suddeth asked if there was anything else.

Tammy Oberholzer provided information regarding the PIB Loan and explained that it is possible that the Borough would not receive the funds prior to the due date. Tammy reviewed that a Plan B was developed with Sam Wiser's help and she presented information about a loan from the First National Bank of Mercersburg which has approved the same interest rate as the PIB and would allow for additional time until the Borough receives the funds. Tammy Oberholzer asked that Council approve the Council President to execute any and all documents for this loan should the Borough not receive the funds from PIB.

**MOTION: to approve and authorize Council President to execute any and all documents from the First National Bank of Mercersburg in the event the Borough of Mercersburg does not receive the funds from the Pennsylvania Infrastructure Bank on or before the 10<sup>th</sup> was made by Jeff Main, second by Jon Kittredge, all ayes, motion carried.**

**MOTION: to authorize of \$216,156.90 to Recon and \$229,899.65 for work completed on was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.**

No other business was discussed.

**MOTION to adjourn at 7:42 pm was made by Donald Stoner, second by Jeff Main, all ayes, motion carried.**

*These meeting notes were transcribed and have been respectfully submitted by Dawn L. Scheller using her meeting notes and audio recording for approval.*

Date Approved: \_\_\_\_\_ Motion Made By: \_\_\_\_\_ Second By: \_\_\_\_\_