

Mercersburg Borough Council
Borough Hall, Mercersburg, PA
February 10, 2014
MINUTES

Attending: Borough Council President Tom Suddeth, Vice-President Jeff Main, Donald Stoner, Chris Frisby, Jon Kittredge, Jeremy Jones, Borough Manager Tammy Oberholzer, Assistant Borough Manager Dawn Scheller, Engineer Lance Kegerreis, Solicitor Sam Wiser, and Police Chief John Zechman

Absent: Mayor Jim Zeger

Guests: Jason Cotton, 5936 Buchanan Drive, Mercersburg; Catalin Bonciu, 212 Overhill Drive, Mercersburg; Tom Heefner, 22 E. Fairview St., Mercersburg; Ed and Darria Royer, 16801 Mary St., Spring Run, PA; Josh Meyers, 19 W. Seminary St., Mercersburg, PA, District Justice Jody Eyer.

Press: Gina Hall, The Mercersburg Journal

The meeting was called to order at 7:00 pm and Jeremy Jones led the Pledge of Allegiance.

President Tom Suddeth asked for Public Comment.

Jason Cotton spoke about concerns he had regarding a recent sewer issue. Jason stated that he does not live in the Borough; however, he is serviced by the Borough Utilities. He stated that he had come tonight to present something that is not specific to Council but it is happening with the Sewer Authority. Jason reviewed that there was a known sewer issue that was made known in May, in June there was a plan that was approved as well as an approval given to fix the problem. Jason said that there were multiple comments from people related to the project that said that it was a ticking time bomb that this was not a matter of if it were to happen but when it was going to happen. Jason said that nothing happened and on October 27th there was a collapse of the Sewer Main and raw sewage backed into his house. He reported that he had 8" of raw sewage in his bathtub; he said it happened on a Saturday afternoon. He said that he had worked very hard with the Public Works Department and they were fortunate enough to have access to Company Equipment there. He said that they dug his yard up, and then dug up Mr. Martin's yard up; he said they couldn't get it fixed that night, and began working on it first thing Sunday morning. Jason said that he had called his boss, who was able to get him 300' of pipe, which the Borough did pay for, and he, his boss, Don Shaffer ran temporary lines on top of the ground, from his house down to the sewer cleanout. Jason said that sometime in November the Borough did come out and put a new main in, and tied Mr. Martin's temp line into the sewer as his new permanent lateral. However they dug across the road and then the hole was then terminated at the end of his property and his house was never hooked up. Jason said that he wrote an email to the Borough Manager, asking why; he said that he was written a not so nice email back that explained that the property owner was responsible from the curb line to the home. He said he received 90 days to install that line. Jason said that he wrote back asking if the neighbor had paid to have their new lateral installed. He said that his home still sits with a temporary pipe in his front yard, at the last Sewer Authority Meeting he presented the Authority with a letter requesting \$5,000 compensation to him as he feels it is a very fair number for his time, aggravation, and everything he went through. Jason said that he has a 3 year old and a pregnant wife at home. He said a six month problem was not resolved and feels that is negligence. Jason said that they put his family at risk by not fixing a problem for six months. He then reviewed the counter offer received from the Authority of the Authority installing his lateral. Jason Cotton said he rejected that offer and had received a second offer which he would discuss with the Authority at the next meeting, but said there offer was a spit in the face. He said that he would be available to answer questions; he said he knows that it is a Sewer Authority issue, but wanted to make Council aware of what was going on.

Solicitor, Sam Wiser spoke and informed Mr. Cotton that the Sewer Authority is a separate corporate entity from the Borough. Sam Wiser said that this Council does not have any direct operation control over that authority. Sam said that

any type of negotiation type issues is best directed to the Sewer Authority. Sam explained the role of this Council to appoint the Sewer Authority Members. Sam Wiser said that Borough Council can't intervene with the operation issues but could make his issues known to Council as he did during Public Comment.

Jason then said that he understood that Council would not do any of the contractual stuff and yes he is making his concerns known because they do appoint the Sewer Authority Members. He said the other thing he would like to address was the Borough Manager. He has found her to be nothing but rude, inconsiderate of the whole process. Jason said the day after he called the office and was told not to have an attitude that he is acting like we did this on purpose. Jason said why they may not have done this on purpose, he said that you did not do anything to prevent it and that she knew about it. He said every email he has every received is rude. He said that he can let everyone read the emails it's nothing short of that. Jason said that that is how it has been since day one.

Jeremy Jones asked for a business card, Jason said that he had one out in his truck.

Jeff Main asked if the rudeness started since day one means November. Jason answered that it was November.

President Suddeth said that before that time, Tammy did make Sewer aware of a problem before that, Correct? Jason said that in meeting a minute she was dealing with multiple neighbors not just one.

Jeremy Jones then asked if the initial contact was in May. Jason Cotton answered that it was.

Sam Wiser said that he understands the frustration, but to an extent Tammy is only the messenger, and if he has displeasure with the way things were handled to an extent the Sewer Authority is who makes those decisions and it be best to voice those concerns to the Sewer Authority.

Jason said that he is more talking about her conduct as a Borough Manager at this point, emails that are rude, and are wrong.

Jeremy Jones asked if he has any direct contact with any of the Sewer Authority Members. Jason said that he has not contacted them personally.

Tammy Oberholzer then said that this is a Sewer Authority and Sewer Authority Manager issue not a Borough Council issue. Tammy said that she would be glad in Executive Session answer any of their questions.

Jason Cotton said that this discussion has to deal with how the emails are written and how he is spoken to on the phone. He said that there are multiple people in town who feel the same way but he is the only one who has the guts enough to say it. He said that he had asked for plans via a Right to Know Request and was sent a 30 day extension which was delayed for 30 days. He said as a citizen, utility customer how he is treated is the concern.

Chris Frisby asked when his problem was fixed and when his neighbor's problem was fixed.

Jason Cotton said that he was never told when the problem was going to be fixed. He said that was part of the problem. Then Chris asked if his neighbor's was resolved, Jason answered yes it was. Jeremy asked for clarification if the Sewer Authority fixed the neighbor's. Jason said they did.

President Suddeth recognized Catalin Bonciu.

Catalin Bonciu spoke and said that he has been speaking with Mr. Cotton. Catalin said that he promises at the meeting on Thursday he will address it with everybody and we will do anything in our power to help you out. Catalin Bonciu then said that they don't have the money, and are strapped like everyone else. Catalin apologized from the bottom of his

heart and wished that it never happened and sincerely apologized. He said that he would do his best from his perspective to help him out.

Jason Cotton said that he would cover the Sewer side on Thursday.

Jeremy Jones and Jeff Main thanked Mr. Cotton for voicing his concerns.

President Suddeth asked for any other Public Comments at this time.

Ed Royer spoke about concerns regarding the parking issue and the lack of parking available. He asked if the Borough could work with the Business Owners to purchase a long-term ticket to be close to the businesses. He stated that the Alleys were not easy to get through with the weather and his wife had gotten a ticket for being a meter to long. He wanted to see if anyone had looked into this before.

President Suddeth spoke and reviewed that it had been sent to the Streets Committee and that Tammy had provided information to the committee before. Tom Suddeth said that they would like to arrange a parking permit program. Jon Kittredge reviewed that the Streets Committee would be meeting on Wednesday. Tom Suddeth stated that would be for businesses and people who live in the Borough also is what have been proposed, but everyone will see what the Committee comes up with.

President Suddeth moved on to the Agenda items and asked for a motion to approve the meeting minutes.

MOTION: to approve meeting Minutes from January 6th or January 27th was made by Jon Kittredge, second by Jeremy Jones, all ayes, motion carried.

President Suddeth moved to the Old Business item listed to fill the vacancy. He reviewed that they had received 3 letters of interest one from Tom Heefner, one from Catalin Bonciu, and a third from Josh Meyers. President Suddeth asked if any Council Members had any questions for the Candidates. He then opens nominations to fill the Council Vacancy.

Catalin Bonciu was nominated, then Tom Heefner was nominated no other nominations were made.

MOTION: to close nomination was made by Jeff Main, second by Jeremy Jones, all ayes, motion carried.

President Suddeth asked for a vote for Catalin Bonciu to fill the Council Vacancy: Jon Kittredge, Jeremy Jones, Tom Suddeth and Jeff Main were all ayes; Chris Frisby and Donald Stoner were nays.

President Suddeth welcomed Catalin Bonciu as a member of Council.

Catalin Bonciu completed the affidavit and Judge Jody Eyer swore in Catalin Bonciu and he then took his seat.

President Suddeth moved on to the Treasurer's Report.

MOTION: to accept the Treasurer's Report was made by Jon Kittredge, second by Jeremy Jones, no discussion, all ayes, motion carried.

Jon Kittredge asked what the status was with the accountant. Tammy Oberholzer reported that she comes in on Friday. Tammy reviewed that the Blue sheet shows the account balances as the account statements were just received today, she also reviewed that there were two additional bills received and were on a separate memo sheet.

MOTION: to approve Borough Manager to contact the Static Bills/Utility Companies (such as West Penn Power) to change the due dates to have a 30 to 60 day period was made by Jon Kittredge, second by Jeremy Jones, discussion

occurred, Jeff Main asked if the West Penn Power was all on one bill, Tammy answered no that they were all separate accounts and she added that there is a Resolution in effect that authorizes the Treasurer to pay the utilities like the electric, telephone, Columbia Gas, and Insurance Bills, Tammy reviewed that these would be the bills that would come in and she automatically cuts the checks to pay and the signer would be notified that the end of month bills/payments were ready to be signed, and they would be approved after the fact in the treasurer's report, Jon Kittredge said the ones that he is concerned with are any of the bills that come in on Monday not included in the Friday Packet, Tammy said that this month two bills came in on Monday which only have a 15 day payment period and reviewed them, after more discussion the motion was withdrawn.

MOTION: to approve the Bills Payable/Invoice List to include all bills was made by Jon Kittredge, second by Jeremy Jones, all ayes, motion carried.

President Suddeth stated that the Mayor was out of town.

President Suddeth asked for the Police Chief's Report.

Chief Zechman reviewed that the following activity occurred for January: 74 Complaints and Service Calls, 3 Borough Ordinance Investigations, 17 Criminal Investigations, 5 Criminal Arrests, 2 Accident Investigations, 82 Citations Issued, and 60 Parking Tickets. Police Chief Zechman provided the monies turned over to the Borough. Chief Zechman was asked about parking meters and Chief Zechman said he would provide a list of non-working meters along with which are old meters.

Council also asked that his report to be provided with the packet of information sent on Friday.

President Suddeth asked for the Solicitor's Report.

Sam Wiser stated that he had nothing at this time to review.

President Suddeth asked for the Engineer's Report.

Lance Kegerreis reported that he had met with Columbia Gas to discuss and coordinate the projects. Lance reviewed that they are planning on starting work in Mercersburg in two weeks and would be in Mercersburg till about August. They would be working on gas lines along Fairview, Grandview and then would ask the Borough where we would like them to work whether it is to continue on Linden or switch to Seminary Streets. After discussion Lance was asked to bring a cost estimate and recommendation to the Streets Committee at the Streets Committee Meeting. Streets Committee Chair then set a time for the meeting to begin at 3:45 pm on Wednesday.

President Suddeth asked for the Manager's Report.

Tammy reviewed that the Borough had received the funds from the PIB for the Street Improvement Project and asked Borough Council to authorize the payoff of the First National Bank of Mercersburg tax anticipation note.

MOTION: to authorize final payment of \$450,822.09 to the First National Bank of Mercersburg to satisfy the tax anticipation note was made by Jeff Main, second by Donald Stoner, all ayes, motion carried.

Tammy Oberholzer also reviewed that to satisfy requirements for the Zoning Hearing Request the Meeting would need to be approved for March. Tammy requested Council authorize the advertisement and meeting/hearing to be held on March 10, 2014 at 6:30.

MOTION: to approve the Zoning Hearing to be held on March 10, 2014 at 6:30 and direct the Borough Manager to manage all advertisement and postings requirements be completed this motion was made by Jeff Main, second by Jon Kittredge all ayes, motion carried.

Tammy Oberholzer provided information regarding a plan for enforcing the removal of snow in the Borough. Some Council Members feel that someone should be designated to follow up with this after a snow fall. Council discussed the limited staff and the multiple duties the employees perform. Council reviewed the proposed notice and made changes/recommendation to the notices. Tammy reviewed that she would make the changes and meet with the staff to review. Council Members asked for more time to review her plan. Jeff Main stated that it is going to take good communication between the Office, PWD and Police Department for it to work. Tammy Oberholzer agreed that education and communication is key.

Council then discussed the Loudon Industries Sidewalk Requirement listed under Old Business. President Suddeth reviewed that the Planning Commission had reviewed and made a recommendation to waive the sidewalk requirement to Council and at that time Council made the decision to have Loudon Industries install a new sidewalk as a part of the approved plans per the Ordinance. Tom Suddeth reviewed that he had asked to be place on the Agenda because Council wanted to change their mind last year but was told by the Solicitor that they could not because it had already gone to Franklin County Planning Commission. Council reviewed the procedure for the Planning Commission and Waiver Requests. They reviewed that a property changing hands or an improvement of \$20,000 to a property would then have to install a sidewalk. Tammy Oberholzer provided Council with a little background information about the Ordinance. Council asked the Streets Committee to review the Ordinance and make recommendations to change and update this ordinance. Jeff Main asked that this be added to the Streets Committee Agenda. After discussion Borough Council made the following motion.

MOTION: to direct the Borough Manager not to enforce the sidewalk required on the Loudon Industries approved and recorded Plan was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.

President Suddeth asked for the Secretary's Report.

Dawn Scheller provided Council with information regarding the Fee Schedule. After discussion, President Suddeth asked to table the Resolution for the Schedule of Fees until the next meeting.

Dawn Scheller reviewed the cost estimate for the upcoming PSAB Conference. Dawn asked for a motion to approve the attendance and costs for Tammy Oberholzer and Dawn Scheller to attend the Conference. Dawn Scheller also provided information regarding the Land Use Permits issued in January and reviewed that the James Buchanan Award winner would need to be chosen at the next Borough Council Meeting. Dawn Scheller provided all Council Members with a Nomination Form along with a description of the award.

MOTION: to approve the attendance and costs for Tammy Oberholzer and Dawn Scheller to attend the PSAB Annual Conference from April 6th until April 9th was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.

President Suddeth reviewed the Public Works Department Report was included in everyone's packet for review.

President Suddeth asked for the Committee Reports.

Jeff Main reviewed the information from the Fire Board. He reviewed that all the projects are going well. He reviewed that the HAVC Heating System would be complete in two weeks.

President Suddeth moved on to the Agenda items.

Borough Council reviewed the request from the Academy to act on tax exemption refunding the Mercersburg Academy Headmasters Home in the amount of \$600.91.

MOTION: to approve the refund of \$600.91 for tax exemption the Mercersburg Academy Headmaster's Home was made by Jeff Main, second by Jon Kittredge, Sam Wisner reviewed that it was a formality and was required to be refunded, a vote was taken, Catalin Bonciu voted against, remaining ayes, motion carried.

President Suddeth asked for any additional items.

It was asked that Tammy Oberholzer keep Council informed of when the meeting with Maria Kimsey would take place and also asked Tammy to provide Council with information about the noise and light ordinances. As the Mercersburg Little League wanted to ensure that they were following the Borough's regulations.

Tammy Oberholzer said that she would report back.

It was discussed that the Shade Tree Ordinance was in the Beautification Committee and that information was provided to Council Members concerning the Tannery Property for review.

Council reviewed the Correspondence and the upcoming meetings.

MOTION: to enter into executive session at 8:35 pm for a Personnel Matter was made by Jeff Main, second by Jeremy Jones, all ayes, motion carried.

Resumed regular session at 8:55 pm.

MOTION: to adjourn at 8:56 pm was made by Jon Kittredge, second by Chris Frisby, all ayes, motion carried.

These meeting minutes were transcribed and respectfully submitted by Dawn Scheller with the use of her meeting minutes and audio recording.

Date Approved: _____ Motion Made by: _____ Second By: _____