

Mercersburg Borough Council
113 South Main Street
Mercersburg, PA 17236
July 12, 2021
MINUTES

Attending: President Donald (Dusty) Stoner Jr., Vice-President Tom Heefner, Dr. Michael Pedersen, Paul Sipes, Sean Grove, Anthony Frisby, Raymond Minton, Borough Manager Derek Stoy, Borough Secretary Stacey Golden and Solicitor Steve Coccorese

Absent: Mayor Roger Defibaugh, Paul Sipes

Guests/Press: Watershed Group, Lisa Minton, Lena Eckstine and unidentified others.

President Donald Stoner called the meeting to order at 7:00 PM and led the Pledge of Allegiance. Borough Solicitor, Tyler Beaston from Salzmann Hughes addressed council on the public comment policy. Rich Starr, Tammy Piper and Claudia Schuchardt-Peet spoke to council regarding the Johnston Run Watershed Management Plan, their mission and requested approval from council to update the plan and provide letters of support for future grant opportunities when they arise. No money is required from the borough for the plan update.

MOTION: To approve the June 14, 2021 meeting minutes as written was made by Tom Heefner, second by Raymond Minton. All ayes, motion carried.

MOTION: To approve the Bills Payable and Treasurer's Report A & B for month ending June 30, 2021 was made by Sean Grove, second by Tom Heefner. All ayes, motion carried.

Mayor not present.

Police report in packet.

Council moved into the Borough Manager's Report.

Borough Manager Derek Stoy began his report with an update on the Summer Playground Program. Coordinator Anthony Frisby commented that "everything is going good" and that the "kids are happy". Council President Donald Stoner commented that "Anthony has done an outstanding job". Manager Stoy addressed council on a grant opportunity through the Franklin County Soil Conservation District, "low volume road grant program". Stoy reported that this is the same program the borough used when McConnell Alley was repaved. Manager Stoy noted that this grant only covers stormwater management and that Jail House Alley and Meyers Alley both qualify for this grant since both alleys have stormwater that flows into an existing inlet structure on South Fayette Street. Stoy recommended using the same inlet filter that was purchased for the previous grant and moving forward with Jail House Alley first and noted that

the grant deadline is July 23rd. Zoning Hearing Board Resolution 05-21 to name Thomas Suddeth will need approved. A RFP resolution to begin the hiring process for the engineering project on South Main Street/Fort Loudon Road will need approved. The Comcast cable agreement will need voted on under Old Business. Manager Derek Stoy gave an update on the new borough website saying it has gotten "great praise". Pictures of dining options within the borough and a drone video will be on the website. ARPA (American Rescue Plan Act) should be sending the first payment in a month or so, Stoy asked council to approve administration to open a bank account for those specific funds. Several quotes were received for a new truck, Stoy said it will be around mid-winter until the truck is ready. Solicitor Tyler Beaston explained "Act 65" to council which will take place August 30, 2021. Act 65 amends Section 709 of the Sunshine Act. The Johnston's Run Watershed Group will be addressing council on current activities that the group is doing with Johnston's Run. Manager Stoy asked permission to obtain pricing on floor replacement in the council room once the painting is completed. Stoy said pricing will be taken to the Property Committee in August. There will not be a need for a Personnel Committee meeting. The Finance Committee meeting will be on Wednesday, July 14th at 1 PM.

Council moved into the Committee Reports.

Vice-President Tom Heefner reported on Fire Board stating that nothing new has happened and that he "still can't get a budget" but they are going to try to put one together.

Raymond Minton reported on the HARB Committee meeting saying that application 2021-07-01 to replace 4 windows on the second floor at 46 South Main Street was rejected due to the materials not meeting the historic guidelines.

MOTION: To abide by HARB's wishes and reject application 2021-07-01 to replace four second floor windows with American Craftsman 70 Series Pro double hung white vinyl windows with buck frame and grilles was made by Michael Pedersen, second by Tom Heefner. All ayes, motion carried.

Council moved into Old Business.

Solicitor Tyler Beaston gave council an update on the Comcast Franchise Agreement saying the final appeal of the FCC order was issued by one of the courts slightly changing the language in the agreement and anticipates it being ready for the next meeting.

Council moved into New Business.

MOTION: To approve Resolution 05-21 to name Thomas Suddeth to the Zoning Hearing Board was made by Tom Heefner, second by Raymond Minton. All ayes, motion carried.

MOTION: To approve creating a bank account for ARPA (American Rescue Plan Act) funds

was made by Tom Heefner, second by Michael Pedersen. All ayes, motion carried.

MOTION: To approve borough administration to proceed with applying for the Franklin County Soil Conservation District's Low Volume Road grant program again to pave Jailhouse Alley was made by Tom Heefner, second by Raymond Minton. All ayes, motion carried.

Raymond Minton inquired about HARB enforcement. Solicitor Tyler Beaston spoke to council stating that the HARB ordinance is part of the zoning ordinance and gives Borough Council the authority to enforce the historic district's regulations in the same way that the zoning ordinance or building permit ordinances are enforced. The enforcement section 103 of the zoning ordinance allows HARB to be handled in the same manner as a zoning violation. The borough could go to the court of pleas if necessary to remedy a situation.

MOTION: To approve Resolution 06-21 & Policy and Procedure Agreement between the Pennsylvania Department of Transportation and the Borough of Mercersburg was made by Tom Heefner, second by Michael Pedersen. All ayes, motion carried.

Solicitor Tyler Beaston noted that the Resolution adopts the policy.

MOTION: To approve Resolution 07-21, a resolution of the Borough of Mercersburg, Franklin County, Pennsylvania authorizing the release or amendment of certain deed restrictions on the property located at 3 South Main Street otherwise known as the Irwin House with the conditions that the removal of certain restrictions are conditioned upon the buyer providing an instrument, like a deed, that the borough has to sign that removes those restrictions subject to the borough solicitor's review was made by Michael Pedersen, second by Anthony Frisby. Motion carried with one abstention. Donald Stoner- Yay, Tom Heefner- Yay, Dr. Michael Pedersen- Yay, Sean Grove- Yay, Paul Sipes- Yay, Raymond Minton- Abstained.

MOTION: To approve Salzman Hughes Solicitor Tyler Beaston to draft a blanket resolution for approval of grant letters of support for implementation project & plan updates from the Johnston's Run Watershed Group was made by Raymond Minton, second by Tom Heefner. All ayes, motion carried.

MOTION: To give staff/borough administration permission to obtain flooring options for council room was made by Michael Pedersen, second by Sean Grove. All ayes, motion carried.

MOTION: To adjourn at 8:10 PM was made by Tom Heefner, second by Dr. Michael Pedersen. All ayes, motion carried.

These meeting minutes were transcribed and respectfully submitted for approval by Stacey Golden with the use of her meeting notes and audio recording.

Date approved: _____ Motion by: _____ Second by: _____