

**Mercersburg Borough Council**  
**Borough Hall, Mercersburg, PA**  
**April 14, 2014**  
**MINUTES**

**Attending:** Council President Tom Suddeth, Council Vice President Jeff Main, Mayor Jim Zeger, Jeremy Jones, Jon Kittredge, Donald Stoner, Catalin Bonciu, Assistant Manager Dawn Scheller, Solicitor Sam Wisser, Engineer Lance Kegerreis, and Police Chief John Zechman

**Absent:** Member Chris Frisby and Borough Manager Tammy Oberholzer

**Press:** Gina Hall & Brittany Hall: Mercersburg Journal, Jim Hook: Public Opinion

**Guests:** see attached list

Meeting was called to order at 7:00 pm. Mayor Zeger led the Pledge of Allegiance and a welcoming of guests.

President Suddeth announced that Council had an Executive Session on Tuesday, April 8, 2014 on a Personnel Matter with no action to be taken afterwards.

President Suddeth asked for Guests.

Dawn Scheller reviewed that Mr. Whitmore provided an update that he is still trying to get the 50% match for the DCED Grant and has asked Council to authorize the Assistant Manager to sign required grant filing documents with the condition that they obtain their 50% match.

**MOTION: to authorize Dawn Scheller to sign the required documents to submit the application with the prerequisite that the Borough has no out of pocket expenses, but are approving the in kind contribution, was made by Jon Kittredge, second by Jeremy Jones, questions of what obligations were previously discussed and Dawn Scheller reviewed that it had been previously discussed that the land is the property of the Borough and it is property that the employees already maintain, it was asked if leaving it open ended for in kind contributions, Sam Wisser reviewed that a scope of work that was in one of the letters that addressed what the in kind contribution will be, Sam suggested that it could be added that “ and the in kind work is within that scope would be accepted”, was added to be agreed by the first and second, a vote was taken, all ayes, motion carried.**

Chairman Chayes was recognized and asked to speak.

Dan Chayes was present to review two comments the first being that the Sewer Authority was disheartened to find that they lost their representative on the Personnel Committee after they had been on the committee as a long standing member. Dan Chayes reviewed that the Sewer Authority pays for approximately 1/3 of the employees excluding the Police Department. He said that not having input with the policies or selection process for those employees makes it very difficult to do what needs to be done for the Authority. Second comment was that the Authority was rather surprised at Thursday night’s meeting to find that the Borough Manager had been suspended, particularly when the Authority has found the Borough Manager to be efficient, thorough, competent, and pleasant to work with.

President Suddeth responded that the comments were noted and that the committee appointments are done by Council President and that could change with taking in Mr. Chayes’ input, but at this time the Committee remains the same. He reviewed that on the other issue there is no comment at this time.

Ed Twine spoke and reviewed that he was representing members of the Water Authority and shared information from the Personnel Manual regarding definitions on the Personnel Committee and the makeup of such. Ed Twine asked when Council voted to change the Personnel Manual. Tom Suddeth responded that the Solicitor had told him that they had

two months to change the manual. Sam Wisner reviewed that he didn't recall saying two months, but Council needs to follow up to modify the personnel policy once the appointment changed.

Larry Nair asked why Council thinks it needs to be changed. He reviewed that he feels that the people on the Water and Sewer Authorities are a better judge of working class people and the guys that do the manual labor in the field.

Tom Suddeth reviewed that he has communicated with John Kittredge that he is able to invite anyone to the meetings and they are open meetings and give input. He said that he would be reconsidering the decision in the near future.

Larry Nair reviewed that he has been on the Authority for 29 years and the Borough has been through 11 Borough Managers and with the exception of one other one, the present Borough Manager has done the best job and tied with another one. He believes that if people have a personal vendetta then they shouldn't be on Borough Council.

Tom Suddeth agreed with that and stated that it was all of Council's decision.

Jim Hook asked for clarification if it was a unanimous decision. After discussion it was clarified to be a consensus of Council.

Larry Nair brought up concern with all of the Water and Sewer projects that they will not be able to bring a person in for what Tammy is being paid that has experience. He stated that if they bring someone with no experience Council is looking at 3-4 years down the road before they could even run the Borough.

Ed Twine spoke about the amount of money the Authorities spend in the Borough. Each Authority will each pay between \$100,000 and \$120,000 to the Borough. Ed Twine stated that there are enough problems trying to get people to sit on the Boards for this town and if these types of items continue, how do they think people will participate. Ed stated that he feels Council has made a bad choice and has gone about things the wrong way. He asked why the town doesn't have the right to know why the Borough Manager was placed on administrative leave. Sam Wisner was asked to answer, and Sam stated that it is a personnel issue that Council can't discuss at this point. Sam reviewed that the Borough Manager is currently on administrative leave and Council has not taken any formal action regarding her employment.

Liz McClintick spoke in support of what the Water and Sewer Authority have to say. Liz McClintick spoke about the large streets project that the Borough has begun and the efforts Tammy worked to supervise the project. Liz reviewed that she feels Council has removed necessary personnel with the experience needed to complete the project. She stated that Dawn was not out there like Tammy was in supervising the project. Liz McClintick added that Tammy has been involved with businesses being on the Board of the Chamber of Commerce. She continued that Water and Sewer pay sixty percent of Tammy's salary and they didn't even listen to what they have to say.

Mayor spoke about having the Executive Session and asked if all Council Members were invited. Tom Suddeth stated that all were given more than 24 hours' notice. Mayor said that he missed the invitation and wasn't informed of it and disagreed with it.

Jim Malone spoke in the interest of democracy that Council will explain to the town of the choices made.

Jason Frey spoke about his knowledge of business and stated that he hopes they have a plan as to where they are headed. He reviewed that the Engineer can't be the person leading the Borough on the many projects that are occurring because that is what the Borough pays the Borough Manager for.

Tom Heefner asked if there was a plan for the future and when will the taxpayers be informed of the plan. The concern of an unhappy workforce and discontent. There was no comment at this time but they do have a plan that will benefit the Borough.

Jim Hook asked the question of how placing someone on Administrative Leave is not a Council action. Sam Wiser spoke that there have been no adverse employment action taken at this point. The employee has been placed on administrative leave with pay.

Tom Heefner asked if Council expects Water and Sewer to pay for someone who has been placed on administrative leave. There was no comment made.

Ed Twine asked if the Authorities quit paying to the Borough what would happen. Gregg Davis spoke and said that he would support that action.

**MOTION: to approve the Zoning Hearing and Borough Council Meeting from March 10, 2014 with corrections previously spoken about was made by Jeff Main, second by Catalin Bonciu, all ayes, motion carried.**

**MOTION: to accept the Treasurer's Report was made by John Kittredge, second by Catalin Bonciu, all ayes, motion carried.**

**MOTION: to approve the Bills Payable Treasurers Report was made by Jeff Main, second by Jon Kittredge, Donald Stoner spoke about crossing guard issues, all ayes, motion carried.**

Mayor Zeger presented the Mayors Report. He reviewed the presentation of the James Buchanan Award and he requested that people complete the nomination forms when nominating someone. He expressed concern with the lack of interest by the public to participate in the planning of the parade. He welcomes anyone who would like to assist with the parade.

Chief Zechman reviewed his report: 108 Complaints and Service Calls, 0 Ordinance Violations, 17 Criminal Investigations, 9 Criminal Arrests, 5 Accident Investigations, and 81 Citations, and 55 Parking Tickets. Additional options about a computer issue will be brought forward to Council next month.

Solicitor had nothing to report.

Engineer would wait until the Streets Committee Report.

Dawn Scheller provided the Secretary's Report. Her report included Summer Playground information, Land Use permit info, the District Court requesting to install a shackle holder in the court room.

**MOTION: to authorize the Assistant Manager to schedule and plan the all operations for the 2014 Summer Playground Program was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.**

**MOTION: to authorize the Franklin County to modify the Borough Structure to allow for shackle restraint to be placed where described was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.**

The PWD Report was included in the packets for review.

Committee Reports:

Jon Kittredge reviewed that the Committees are an advisory board and invited all to the meetings. There was discussion about who can be present during executive session at the Personnel Committee. Donald Stoner reviewed that they were reviewing the Personnel Manual, Employee Benefit, Job Descriptions, and Pay Scales-Range. They discussed the annual firearm requirements and such.

There were discussions about Minutes, Notes, Comp Time Issues, maintain over-site, Christmas Bonuses. There were discussions about employees who aren't happy and the importance of morale. There discussion on saving the Borough Money and the time people donate to the Borough.

It was asked if Jon Kittredge threatened the office staff. Jon responded no. Tammy Oberholzer called Jon a liar. A conversation continued. President Suddeth called the meeting to order.

The Property Committee reviewed the estimates for the front steps repairs. It was asked that the Committee have more time to review additional information. It was reviewed that the Garage needs some repairs to make it more efficient. They spoke about cleaning up the blue building and scrapping the metal which can be scrapped. The Committee discussed that the Mayo Building needed to have the utilities shut off as the building is not being used. They discussed the idea of contractors review the costs involved with the Mayo Building.

**MOTION: to authorize the that the utilities to the Mayo Building be terminated by the end of April was made by Jeff Main, second by Jon Kittredge, all ayes, motion carried.**

**MOTION: was made to authorize the Assistant Manager to obtain an assessment and value of the backhoe not to exceed the cost of \$500 within 10 days was made by Jon Kittredge, second by Catalin Bonciu, all ayes, motion carried.**

The Streets Committee reviewed the changes wished to be made in detail to the Sidewalk Ordinance. They reviewed the schedule for the streets regarding letters needing to be prepared and inspections and core drilling need to be schedule and occur.

**MOTION: to authorize the amended ordinance to be advertised and scheduled for adoption at the May 12, 2014 with the addition of for applicable PennDOT specifications for the property that abuts a PennDOT Right of Way and monolithic pour would not be permitted in the PennDOT right of way, was made by Catalin Bonciu, second by Jon Kittredge, Tom opposes, remaining ayes, motion carried.**

**MOTION: to authorize the Borough Engineer to proceed with curb and sidewalk inspections and authorize the office to send letters was made by Jon Kittredge, second by Catalin Bonciu, all ayes, motion carried.**

**MOTION: to authorize core drilling per the recommendation of the Engineer was made by Jon Kittredge, second by Catalin Bonciu, all ayes, motion carried.**

**MOTION: to authorize the Borough Office to contact multiple companies to obtain 3 quotes up to \$12,000 to clean out the storm drains as the Engineer has described was made by Jeff Main, second by Jon Kittredge, remaining ayes, motion carried.**

Council moved on to Old Business.

**MOTION: to authorize the draft and advertisement to rescinding the Rental Ordinance was made by Jon Kittredge, second by Catalin Bonciu, Donald Stoner opposed, remaining ayes, motion carried.**

The Harriet Lane Award nominations were opened.

Julie Bell was nominated, nominations were closed by Jeremy Jones, a vote was taken, all ayes, Julie Bell was the Award Recipient.

It was discussed about drainage concerns on Seminary Streets, and Park Ave.

New Business was next.

The Committee Meeting Meetings were planned.

**MOTION: to enter into executive session with possible action to be taken was made at 8:30 pm and by Jon Kittredge, second by Jeff Main, all ayes, motion carried.**

Regular session resumed at 9:21 pm.

**MOTION: to adjourn at 9:21 pm was made by Catalin Bonciu and second by Donald Stoner, all ayes, motion carried.**

*These meeting minutes were transcribed with the use of Dawn Scheller's notes and meeting recording and have been respectfully submitted.*

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