

**Mercersburg Borough Council Meeting**  
**Borough Hall, Mercersburg, PA**  
**December 8, 2014**  
**MINUTES**

**Attending:** President Tom Suddeth, Mayor Jim Zeger, Vice-President Jeff Main, Treasurer Catalin Bonciu, Jon Kittredge, Lisa McCoy, Amy Burkot, Borough Manager Dawn Scheller, Assistant Borough Manager Derek Stoy, Solicitor Steve Coccoresse, Engineer Lance Kegerreis, and Police Chief John Zechman

**Absent:** Donald Stoner

**Guests/Press:** See sign-in sheet

The meeting was called to order at 7:00 pm with the Mayor leading the Pledge of Allegiance. President Suddeth opened the floor for Public Comment.

Tim Rockwell made comments regarding items on the agenda. He noted that sometimes people fall on hard times, and remarked that as a matter of public record, Council President was in the rears on taxes. Tim asked President Suddeth be listed as not voting on the tax matter later in the meeting. He said that it is nothing personal, but a matter of principal for Public Office.

Suddeth responded that it gives him more motivation to keep taxes down and asked the Solicitor if he needed to abstain from the vote if he is in the rears on taxes.

Solicitor answered that it is a valid point, but not specifically, he answered no.

Mr. Renner spoke about concerns of the free parking. He had complaints that individuals were parking at the bagged meters for more than the two hour timeframe and wanted to know what could be done about that and if Council was going to enforce that.

President Suddeth reviewed that during the year there is a 2 hour parking that can be enforced by the PD. It was asked if there are other ways besides chalking the tires that can be used. The Solicitor responded that chalking was the typical way of enforcing the two hour limits, another option noted was photos. Steve stated that it is more of a policy set by the Police Department as they would know the best way to do it. Steve reiterated that from a legal standpoint the chalk is the best and most common way.

Police Chief Zechman reviewed that he did not think that they could enforce the two hour parking. He read the ordinance and reviewed if a vehicle was taking up the same space for more than 24 hours it could be ticketed.

President Suddeth stated to Mr. Renner that the PD can't enforce the two hour parking and was hopeful that people would not abuse the parking as it was intended to benefit the businesses.

Gary Smith from the VFW spoke about the current zoning of the VFW Building as being SFR.

Dawn Scheller confirmed that it is in the SFR District and reviewed that if a business that was not an approved use wished to occupy the building it would need to be brought before the Zoning Hearing Board.

President Suddeth asked if multiple businesses wished to have the properties rezoned would it still be considered spot zoning.

The Solicitor responded that he would have to get the information and bring it back to Council. His view on spot zoning was an exclusionary view where only a particular zoning would be available to a particular business. Steve asked if they were talking about expanding a zone. Steve said that his initial response would be that the matter would have to be brought before the ZHB, but he would look into it further. Tom Suddeth asked that he bring back an answer if Council could act on that if it were more than one property and provide guidance at the next meeting.

Council Members asked Dawn Scheller to read the permitted uses for businesses in the SFR. Dawn Scheller also reviewed the process of the Zoning Hearing Board.

Tom Suddeth reviewed that if a process can be done thru Borough Council it could take up to two months, but again Council would depend on the guidance from the Solicitor.

The next item under Public Comment was MMP&W changing the company from a 5043c to a 5013c doing so would bring all 5 entities into 1. He reviewed that the by-laws were approved unanimously at the last meeting. Jeff reported that they would like to complete a name change that would be a charter change. The name would be Mercersburg Montgomery Peters Warren Volunteer Fire and Ambulance Company. The second charter change would be regarding the make-up of the Board of Directors where three seats would be added making a Board of 11. The IRS Reporting requires that the necessary approvals occur and Jeff asked for a motion to approve the Charter Changes as presented.

**MOTION: to approve the presented Charter Changes as presented was made by Catalin Bonciu, second by Jon Kittredge, Mayor spoke in support of the changes, Mr. Rockwell spoke positive of the consolidation and the achievement of the board, all ayes, motion carried.**

Borough Council moved to the Minutes.

**MOTION: to approve the Minutes with two corrections on the November 10<sup>th</sup> adding 'real-estate' for the tax appeal and also correcting the curb motion adding 'do not' was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.**

**MOTION: to approve the Treasurer's Report and Bills/Invoices Payable List for the month ending November 30, 2014 was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.**

Mayor Zeger spoke about things looking like Christmas. He spoke about the holiday events scheduled to occur such as the candlelight service at the Academy. He wished everyone a Merry Holiday Season and a Happy New Year.

Police Chief Zechman reviewed his report for the month of November; 101 Complaints and Service Calls, 2 Borough Ordinance Violations, 6 Criminal Investigations, 0 Criminal Arrests, 2 Accident Investigations, 45 Citations Issued, 65 Parking Tickets, and 0 Right to Know Requests. Chief Zechman reviewed the moneys paid to the Borough.

Mayor Zeger reviewed that the PD at one time did have meter staff. Mayor spoke about the people who park at the meters should pay the meters. Mayor spoke that the Police Department can enforce the 2 hour parking, but it should be publicly announced prior to enforcing it.

Council members spoke about the available free parking spots in town and talked about enforcing cars parked longer than 24 hours at a meter.

Steve apologized that both Sam and Jason were not in attendance, but passed along their holiday wishes.

Lance Kegerreis reviewed that the Streets Committee would be meeting Wednesday and more information would be brought back to Council at the next meeting.

Dawn Scheller reviewed her report. Dawn Scheller provided Council with information regarding the FCATB and asked Council to relay how they would like the representative to vote on the matters. This was an item listed under New Business. Dawn Scheller provided a list of Committee and Board Members. She reviewed the individuals who were interested in reappointment.

Derek Stoy presented the Assistant Manager's Report that included an update on the cleaning of Linden Ave. Storm Drains, MAYO Building water lines being insulated. He reviewed that he is making arrangements for West Penn to complete a feasibility study to assess the streetlights and see if there is a program to save money on power bills. Derek provided an update on the dead tree in front of Borough Hall along with the scheduled start date on the old chimney removal that was falling and was a public safety issue. Derek reviewed that in the New Year he would work with the Borough Insurance Agent to develop a Safety Program which could save the Borough on the WC Insurance Policy.

President Suddeth moved on to the Committee Reports.

HARB Committee Meeting Notes were reviewed from December 2<sup>nd</sup> meeting. It was reviewed that HARB was not happy with recent actions of Council overturning their denial. Council reviewed the applications presented and discussed application COA: 14-12-02 in detail. It was reviewed that HARB wanted more information regarding the location of the Business as the photo of the sign was not the same location the application indication. It was also noted that a previous land use permit application was completed and the location of the business did not match the HARB Application. HARB tabled the application and would discuss it further at the meeting scheduled for December 16, 2014.

Mr. Renner remarked his unhappiness with HARB Tabling the Application and reviewed that he was losing business not having the sign hung. After much discussion, Council made the following motion.

**MOTION: to approve application COA: 14-12-02 contingent upon HARB's Approval was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.**

Tim Rockwell spoke about the purpose of HARB and asked Council to clarify the purpose of the Historic District and communicate the purpose to the Public to move the town forward. He spoke about other communities having successful historic districts where energy efficient materials were allowed pending the structure of the buildings was not altered.

The Property Committee meeting packet information was reviewed. They discussed the items listed on the agenda and presented the recommendations.

**MOTION: to approve the purchase for a Bushmaster XM15 with the necessary ammo, laser light hand grip, and troy 2 point sling not to exceed \$1800 was made by Jon Kittredge, second by Catalin Bonciu, all ayes, motion carried.**

The Committee Members reviewed that the Property Sub Committee would bring back more information on the proposed pole garage building after the beginning of the year. The Committee Members discussed the PHYTO Remediation process that was described in the PSAB Magazine that Council Members receive along with the Tree Vitalize Grant.

**MOTION: to authorize the Borough Office to send a letter to DCNR about the program to be used on the Tannery Property was made by Jon Kittredge, second by Catalin Bonciu, Lisa McCoy abstained, remaining ayes, motion carried.**

President Suddeth moved on the Old Business Items.

**MOTION: to approve Ordinance 2-27: Establishing the 2015 Tax Rate, that is a 0% tax increase, was made by Catalin Bonciu, second by Jon Kittredge, all ayes, motion carried.**

**MOTION: to approve the 2015 Mercersburg Borough Budget as presented was made by Jeff Main, second by Lisa McCoy, comments were made applauding the Finance Committee, Jon Kittredge opposed, remaining ayes, motion carried.**

Borough Council discussed the advertisement of next year's meetings. Borough Council indicated the desire to change the dates of the meetings to the first and third Monday's of the month, excluding Holidays. They discussed changing the meeting dates would allow for constituents the ability to attend both School Board meetings and Council Meetings. They also acknowledge doing may provide them with better press coverage. It was discussed that the Committee Meetings would be advertised after the January 5<sup>th</sup> Borough Council Meeting once the appointments occur.

**MOTION: to authorize the advertisement of Borough Council Meetings to be held the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of the month was made by Jeff Main, second by Jon Kittredge, all ayes, motion carried.**

Borough Council began discussion of the Holiday Luncheon. Some members of Borough Council expressed that they had thought the luncheon would be a pot luck affair, as to not spend tax payer money on a luncheon. Borough Council reviewed that a donation had been made in the amount of \$300.00 and they did not know who made the donation. The letter attached to the donation was read aloud. Council members asked the solicitor for his opinion. Steve reviewed that Borough Council could accept the donation with the terms or simply reject the donation. Mayor Zeger reviewed that Council Members can be paid. He reviewed that many years ago, the pay was removed in an effort to save tax payers money, and the luncheon is a way to thank all who donate their time and efforts to the Borough. It was discussed that there was Council Members who were interested in bringing dishes to the luncheon. After much discussion, and a notation that it was a shame they did not know who to thank for the donation, the following motion was made.

**MOTION: to accept the Holiday Lunch Donation of \$300 with the terms of any Council Member attending would pay \$6.50 to help defray the cost of the party was made by Jon Kittredge, second by Jeff Main, Tom Suddeth and Amy Burkot opposed the motion, remaining ayes, motion carried.**

**MOTION: to approve Resolution 19-14 to reappoint Tom Suddeth and Jeff Main to the Fire Board was made by Catalin Bonciu, second by Jon Kittredge, all ayes, motion carried.**

**MOTION: to approve the Borough's Representative to vote in favor of Merging the two Boards as described in option 2 listed in the email dated December 1, 2014 from Anna Swailes regarding the FCATB and the TCC was made by Jon Kittredge, second by Jeff Main, all ayes, motion carried.**

**MOTION: to adjourn into executive session for personnel matters with action to be taken at 9:03 pm was made by Jeff Main, second by Catalin Bonciu, all ayes, motion carried.**

Regular session resumed at 9:29 pm.

**MOTION: to approve Holiday Bonuses to be paid to Borough Employees in the following amounts; Borough Manager \$400, Billing Clerk \$250, and remaining employees \$75.00 was made by Jeff Main, second by Catalin Bonciu, Jon Kittredge and Amy Burkot opposed, remaining ayes, motion carried.**

**MOTION: to adjourn at 9:31 pm was made by Catalin Bonciu, second by Lisa McCoy, all ayes, motion carried.**

*These meeting minutes have been transcribed and respectfully submitted for approval by Dawn Scheller with the use of her meeting notes and audio recording of the meeting.*

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