

Mercersburg Borough Council Meeting
Borough Hall, Mercersburg, PA
November 16, 2015
MINUTES

Attending: President Tom Suddeth, Treasurer Catalin Bonciu, Mayor Jim Zeger, Amy Burkot, Lisa McCoy, Jonathan Kittredge (Jon), Donald Stoner, Borough Manager Dawn Scheller, Assistant Borough Manager Derek Stoy, Solicitor Steve Coccoresse, and Engineer Lance Kegerreis

Absent: Vice-President Jeff Main

Guests/Press: See sign-in sheet

Meeting called to order at 7:00 pm, Mayor Zeger led the Pledge of Allegiance. President Suddeth asked for a moment of silence for the recent events in France. President Suddeth then opened the floor for Public Comments.

Debbie Rutherford, Mercersburg Academy, noted concerns with recent proposed cuts made to the Mercersburg Police Salary Budget. She reviewed that the Academy has a good relationship with the town and Police Department is an asset to the community. Tom Suddeth responded that it is only less than 10% of the budget as the department is a large percent of the budget. He noted that the percentage of the budget paid for the police services is large and it is larger than most communities this size. Tom noted that it was something that Finance was working on for months and it was done rather than raising taxes. She added that she hopes that this area doesn't see additional cuts in the future.

Susan Simar, 35 South Main St., Mercersburg, thanked the Police Department for what they do for the community. She spoke that the Police Department does not always receive the recognition or appreciation for what they do and for the risk that they take.

Donald Stoner arrived at 7:10 pm.

No other Public Comments were made.

MOTION: to approve the October 19, 2015 Meeting Minutes as presented was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to approve the Treasurer's Report and the Bills Payable/Invoice List for the month ending October 31, 2015 was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

Mayor Zeger reported that he attended the American Legion Post 517 Veterans Dinner and again thanked all the Veterans for what they have done. He also spoke about an event at his granddaughter's school where they too showed their support and thanked a local amputee for his sacrifices. Mayor wished Council members and the public all a very Happy Thanksgiving.

Police Chief John Zechman provided a copy of the Police Report for Council Members to review. No questions were asked by Members regarding Police Zechman's Report.

The Solicitor had nothing for Council at this time, however he would be present at the executive session for personnel matters.

Engineer, Lance Kegerreis, was present and spoke about the invoices in front of Council to pay for the Streets Project. Lance informed Council that one of P&W Invoices was incorrect as the corrected amount of the change order was

included in invoice #14007 as the Item #1 CO Base Repair for \$12,728.57. Lance provided the recommendation that the P&W Invoice of \$13,436.57 was not to be paid and it could be voided.

MOTION: to approve and authorize the payment to RECON CONSTRUCTION for the amount of \$222,368.55 was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to approve and authorize the payment to P&W Excavating for the amount of \$230,584.57 and void check # 1026 for the second invoice per the Engineer's Recommendation was made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.

Borough Council Members discussed the next item on the agenda for the change order for street work on Rutledge and McFarland. Members discussed a description of the work and Dawn Scheller reviewed the Academy's willingness to work with the Borough to pay half the cost due to their recent water line installation.

MOTION: to authorize the P&W Change Order dated October 19, 2015 for work on Rutledge and McFarland as described for the amount of \$27,820.00 with the Academy to reimburse the Borough for half the cost was made by Catalin Bonciu, second by Amy Burkot, all ayes, motion carried.

Dawn Scheller presented the Borough Manager's Report. Dawn reported that the Tax Levy Ordinance has been properly advertised. She also presented a repair estimate for the 2006 PWD Vehicle in the amount of \$3,047.17 and noted that two other estimates were requested, but had not yet been received. She asked that Council approve a not to exceed price to make the repairs of \$3,047.17. She explained that this vehicle carries the spreader and is needed for the winter months.

MOTION: to approve the not to exceed cost of \$3,047.17 for the 2006 PWD Vehicle repairs was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

Council Member Lisa McCoy asked when additional price quotes are requested. Dawn explained that the office tries to do it for more expensive items over \$500. The Solicitor reviewed the required bid amounts for Councils reference.

Dawn reviewed information regarding a no required solvency fee request that was noted in an email. Council was not interested in acting on the request. She also included a copy of the financial information received from the Library along with the 2016 proposed meeting schedule for next year.

Derek Stoy presented his Assistant Manager's Report. His report included information on the new work truck for the PWD and also that the Workplace Safety Committee has been approved by the Department of Labor and Industry and the Borough would receive a 5% discount on the Workman's comp rates. He estimated that the discount would save approximately \$2,000 per year. Derek noted that he issued 6 Land Use Permits for the month of October.

President Suddeth noted that the Fire Company's Monthly Report was included for review. No questions or concerns was discussed.

Josh Meyers presented the information from the HARB Meeting that was held on November 3, 2015. Josh reviewed that the property owner was unable to attend the meeting. He reviewed that the HARB Consultant recommended to deny the request due to the work not meeting the Secretary of Interiors Standard and after a 15 minute discussion HARB ultimately recommends to deny the application. A copy of the report from the Consultant was included in Council Member's Packet for review and action. Amy Burkot expressed interest in HARB discussing alternatives with the property owner. Josh Meyers reviewed that there are alternate materials that could be used that meet the Secretary of Interiors standards. A discussion about HARB began and the consistency of their recommendations vs the decisions of Council.

MOTION: to deny COA: 15-11-01 for property at 32 East Seminary Street with the note that HARB would like to keep the line of communication open with the property owner to discuss alternatives was made by Amy Burkot, second by Catalin Bonciu, discussion was opened, Jon Kittredge stated that he wanted to recuse himself from the vote as he doesn't feel that HARB has any bearing anymore, he explained further that Council had received a letter that correctly stated that Council had allowed vinyl siding, vinyl windows, and vinyl doors on and now we're going to tell someone that they can't have a vinyl door and vinyl window. Jon feels that it's not consistent and he doesn't want to vote on HARB anymore. Josh Meyers stated that that decision was made by Council and not HARB, Josh stated that Council has opened up a can of worms for themselves. Tom Suddeth noted that Council approves or denies HARB's Recommendation, he then asked Steve Coccorese if there was legal recourse against Council if Council does for different properties different ways. Council discussed when the work was done there was a tree blocking the view, Amy Burkot noted that a tree is not a stationary object and noted that HARB looks at all the requirements and that's what they voted on and that's what Council should be voting on. A discussion occurred about the work being done on the property prior to the tree removal, the tree was removed for power line reasons, and it was unknown as to the exact timeline of the work. Donald Stoner added that while the tree was there it wasn't visible and it wasn't a problem, Josh Meyers stated that it was visible and no one could see it. Susan Simar asked why Council is "shooting the messenger" as HARB has been established and because of HARB and the Members, Mercersburg is a pretty town and HARB is formed to ensure that the old towns remain. More discussion about Council's prior approval to allow exceptions, Lena Eckstine remarked that if Council asks that property owners go thru certain measures that they do it for all. Steve Coccorese said that Council can decide each issue on an individual basis but Council should be aware of the risk of setting a precedent that each decision carries with it. He added, "That it could go two ways, if Council has already approved one across the street and decides to approve this one, what would happen if a neighbor or someone down the road comes back. If you don't approve this one then you open the question why that one, and why not this one". Tom Suddeth asked that 10-15 years ago when other exception decisions were made and no one made the argument that it set a precedent. Steve responded that it is much easier to say that was a previous Council and we've drawn a line with this Council moving forward. Lisa McCoy spoke about her experiences with HARB and replacement of old drafty windows. Amy Burkot spoke about HARB having to follow a guideline that is not set by HARB and the Committee has training on the guidelines and the adhere to them. Catalin Bonciu spoke about prior Council's approval of the restoration of the Carriage House on the square with all the new materials. Tom Suddeth announced the two committee member openings on HARB and asked anyone interested should let Dawn Scheller know. A guest asked if the standards are ever updated with new materials, and it was answered that it does. A vote was taken, Lisa McCoy opposed, John Kittredge abstained, remaining ayes, motion carried with a 4-1-1 vote.

MOTION: to dissolve HARB was made by Jonathan Kittredge, no second, motion died for lack of a second.

Donald Stoner reviewed the Personnel Committee meeting notes from November 9, 2015. The relevant factors that resulted in the recommendation to award of the contract included the overall quality and content of the selected applicant's written proposal, specialized experience and technical competence of the firm, and the overall cost of services to be provided. It was estimated that the Borough would save \$7,000-\$9,000 per year in costs for pension plan services per year.

MOTION: to approve and award the PENSION RFP for Uniformed and Non-Uniformed Pension Plans to Langan Financial Group was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to approve a merit increase of 1.5% for Non-Uniformed Employees who receive a minimum of 85% on their annual evaluations was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to approve a COLA increase of 1.5% to Non-Uniformed Employees was made by Jonathan Kittredge, second by Catalin Bonciu, Lisa McCoy commented that the government is not giving retirees a cost of living increase and she did not feel the Borough could continue to afford these increases, a vote was taken, Lisa McCoy opposed, remaining ayes, motion carried.

MOTION: to approve a \$200.00 expense for a Volunteer Appreciation and Holiday Luncheon was made by Donald Stoner, second by Catalin Bonciu, Jonathan Kittredge opposed, remaining ayes, motion carried.

The Planning Commission Meeting notes were reviewed and the recommendations were announced.

MOTION: to approve application 15-9-28 was made with no comments received from the County was made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.

Amy Burkot reviewed some recent Beautification Items. She relayed that the PWD had painted the light poles on the square and washed the light globes. She asked Council to approve the costs for that work. Tom Suddeth announced that the Christmas Décor would be added to the Beautification Committees agenda and join those two items/committees.

MOTION: to approve the painting supplies purchased for the square lights for the amount of \$148.51 from True Value was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

Derek Stoy noted that he would send a letter to Mr. and Mrs. Musser for the use of the lift for the parade lights and Christmas decorations.

Amy Burkot described the plant boxes on the square would have evergreen plants in them for the holiday season. She asked that Council approve the purchase of battery operated lights and extra batteries not to exceed \$100.

MOTION: to approve the purchase of battery operated lights and extra batteries not to exceed \$100 from Buck Run Nursery was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

Amy Burkot spoke about benches for the square would cost \$150-\$250 and that she would be drafting a plan for 2016 with some additional requests for consideration. At this time she also asked for Council to approve a Community Movie Night for Mercersburg Families held at the Library and the Star Theatre.

MOTION: to approve the cost of \$300 to the Star Theatre for a Holiday Movie Community Night on December 13th plus a not to exceed \$200 for items needed for snacks and or crafts out of the Summer Playground Account was made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.

Council President moved on to Old Business Items.

MOTION: to approve the District Court Lease Agreement between the Borough and the County and authorize Council President to sign was made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.

MOTION: to authorize the purchase and check # 1027 from the Joint Equipment Fund in the amount of \$34,918.00 for the 2015 GMC PWD Truck via a purchase from COSTARS was made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.

Borough Council asked to table the request from Hydra Pneu until they receive cost estimates for the additional rip rap and tree removal.

MOTION: to oppose the proposed 2016 Franklin County Area Tax Board Budget and to appoint Dawn Scheller as the 2016 Representative and Derek Stoy as the Alternate was made by Catalin Bonciu, second by Donald Stoner, all ayes, motion carried.

MOTION: to approve the Transitional Reinsurance Contribution in the amount of \$352.00 electronically paid via pay.gov was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

Borough Council Members discussed a Parking Permit Proposal at great length. Council Members were provided a draft of a proposal in their packets. Some Council Members felt that the plan lacked detail, where others felt the detail could be worked out through the process. Steve noted that if Council wished the program to last longer than 90 days they would have to update the parking ordinance.

MOTION: to approve a three month trial parking permit program to begin January 2, 2016 - March 31, 2016 with the specifics listed in the proposal was made by Amy Burkot, second by Donald Stoner, additional clarification was asked for, an amendment to include that no more than 50 permits were to be issued, no more than 3 could be purchased per address, and only one per business fleet could be obtained, a vote was taken, Jonathan Kittredge, Catalin Bonciu, and Lisa McCoy all voted No, Tom Suddeth, Donald Stoner, and Amy Burkot – all voted yes, Mayor Zeger broke the tie and voted yes to try the program for three months.

MOTION: to authorize the Police Chief, Borough Manager, and Assistant Manager to work out any gray area details for the temporary program and document the feedback to report to Council was made by Donald Stoner, second by Amy Burkot, all ayes, motion carried.

Mayor Zeger announced Free Holiday Parking to be from Thanksgiving thru to January 1, 2016. He announced that the PWD would be removing the meter heads for maintenance starting the week of Thanksgiving.

Additional items in the packet were reviewed before entering into executive session.

MOTION: to enter into executive session with possible action to be taken was made at 9:00 pm by Jonathan Kittredge, second by Amy Burkot, all ayes, motion carried.

Regular session resumed at 9:38 pm.

Borough Council Members discussed the advertised proposed budget and possible changes between the Beautification line and the Capital Improvements Fund.

MOTION: to deduct \$3,000 from the Capital Improvements budgeted line item 492.30 and add that to the Beautification line item 458.03 was made by Donald Stoner, second by Catalin Bonciu, all ayes, motion carried.

Council President reviewed the upcoming meeting dates of HARB on December 1st and Council on December 7th. He wished everyone a Happy Thanksgiving.

MOTION: to adjourn at 9:47 pm was made by Donald Stoner, second by Amy Burkot, all ayes, motion carried.

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

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