

**Mercersburg Borough Council
Borough Hall, Mercersburg, PA
June 6, 2016
MINUTES**

Attending: Vice-President Jeff Main, Mayor Roger Defibaugh, Treasurer Catalin Bonciu, Donald Stoner, Lisa McCoy, Amy Burkot, Jonathan Kittredge, Borough Manager Dawn Scheller, Assistant Borough Manager Derek Stoy, and Solicitor Stephen Coccorese

Absent: Council President Tom Suddeth and Engineer Lance Kegerreis

Guests/Press: Please see sign-in sheet

Council Vice-President Jeff Main called the meeting to order at 7:00 pm with Mayor Defibaugh leading the Pledge of Allegiance. Vice-President Main welcomed Mayor Defibaugh. Jeff noted that he feels with Mayor Defibaugh public safety background and police experience he will be a great asset to the Borough and wished him luck. Vice-President Main opened the floor for Public Comments.

Josh Meyers asked if the Borough was going to clean up some of the alleys and fix some of the potholes. Jeff Main noted that he would add that to the Streets Committee Agenda on Wednesday night.

No other Public Comments were made.

MOTION: to approve the Borough Council Meeting Minutes from May 2, 2016, the Vacancy Board Minutes from May 16, 2016, and the Borough Council Meeting Minutes from May 16, 2016 all as presented was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to approve the Treasurer's Report and Bills Payable/Invoice List as presented was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

Mayor Defibaugh thanked everyone for their vote appointing him as Mayor. He considers it an honor and appreciates the confidence from Council. He relayed that he has met and spoken with the Mercersburg Officers individually. He commented that the Borough has a fine group of Police Officers all which have a wealth of experience and he is very proud of the department. Mayor Defibaugh discussed and requested that the Borough investigate obtaining a [.GOV] domain address at an initial cost of \$125 with the cost to increase to \$400 in 2016. It was noted that doing so would allow the Officers to individually receive email as opposed to having one email for the whole department. Sergeant Wertz noted that the Police Department has occasionally had issues with other law enforcement agencies sending sensitive information to a Comcast email address. The [.GOV] site would allow the Borough to own/control the domain, providing all Borough Employees with a .gov email addresses, provide a future website location of our own (oppose to piggy backing off of the Chamber's website), while also providing the Police Department with an email address that has a little more legitimacy than a Comcast address. Vice-President Main noted that this would be an added item under New Business. Mayor Defibaugh noted that the JAG Grant that had been approved for submission would be submitted prior to June 24, 2016. Mayor Defibaugh also thanked APX for their donation of a coin cart, it was greatly appreciated, and saved the Borough a great deal of money.

Solicitor Coccoresse provided Borough Council Members with a review of a recent invitation issued to Derek Stoy for him to visit the Herbruck's Egg Farm in Michigan at no expense to the Borough. Steve relayed that he did not have any issues with Derek attending the meeting and asked for Borough Council to formally approve his attendance.

MOTION: to approve Derek Stoy's attendance at the Herbruck's Egg Farm in Michigan at no cost to the Borough on Thursday, June 9, 2016 was made by Jonathan Kittredge, second by Amy Burkot, Lisa McCoy asked that Derek ask questions regarding truck traffic and smell, all ayes, motion carried.

There was no information from the Engineer.

Dawn Scheller reviewed her report which included an update on the trail. She reported that MACWell was working with their Engineer to obtain PLAT information for the needed ROW Agreements. Dawn reported that the Summer Playground Program has obtained the necessary insurances, hired two Assistant Coordinators, and Amy Burkot has scheduled activities for the program. She asked Council to approve transfers for the first ½ of the years budgeted amounts for the Street Improvement Loan GF Acct. # 439.45 in the amount of \$47,343; Capital Improvement GF Acct. # 492.30 in the amount of \$3,500; Police Cruiser Replacement GF Acct. # 492.31 in the amount of \$3,750; Joint Equipment Fund GF Acct. # 492.35 in the amount of \$6,000; and a transfer from the General Fund to UDAG to replenish funds taken in 2015 for the amount of \$7,510. Dawn Scheller noted that the Auditors were finishing up on the Audit and she would contact Catalin Bonciu when the final copies were available so they could meet with the Auditor at an upcoming Finance Committee Meeting.

MOTION: to authorize the transfer for the first ½ of the years budgeted amounts for the Street Improvement Loan GF Acct. # 439.45 in the amount of \$47,343 was made by Catalin Bonciu, second by Donald Stoner, all ayes, motion carried.

MOTION: to authorize the transfers for the following; Capital Improvement GF Acct. # 492.30 in the amount of \$3,500; Police Cruiser Replacement GF Acct. # 492.31 in the amount of \$3,750; Joint Equipment Fund GF Acct. # 492.35 in the amount of \$6,000; and a transfer from the General Fund to UDAG to replenish funds taken in 2015 for the amount of \$7,510 was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

Dawn Scheller reviewed the Assistant Manager's report which included a review of the recent Street Sweeper activity. She noted that the Borough of Chambersburg allowed us to use their street sweeper as approved by Borough Council. Unfortunately, during that time, the Chambersburg Street Sweeper had two mechanical issues that required a mechanic to visit onsite to repair the issue. Dawn reported that when Mercersburg contacted them about the second mechanical issue Chambersburg requested that Mercersburg return the sweeper to them. Dawn noted that not all of the streets were swept and that the Derek called the other company to come in and finish up a couple of the main streets at a cost of \$500. Outdoor Contractors was able to perform some of the needed areas, however the Borough still had more streets to do. In Derek's report, it was an estimate that the remaining amount of work would cost approximately \$1,000. Dawn Scheller asked Council to approve this cost.

MOTION: to approve a not to exceed amount of \$1,000 for the remaining roads to be swept by Outdoor Contractors was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

Dawn Scheller noted that the Accountants have established an account code for the street sweeper expense when budgeting for next year as it was not anticipated for 2016.

Vice-President moved on to the Committee Reports and provided Council with an update that MMP&W has received the 501c3 approval. He noted that they were beginning to launch a capital campaign to raise money. He noted that an activity report was included in Council Member's meeting packets for their review.

Council moved on to the other items listed on the Agenda.

MOTION: to approve Borough Management to create and submit a full page ad in the Lions Club 75th Program at a cost of \$100.00 was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to approve Jeff Main, Vice-President of Council to sign the First Community Bank Letter dated April 26, 2016 regarding updates to the Electronic Funds Transfer Agreement was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to approve Dawn Scheller to look into the costs and specifics about the Borough obtaining a {.GOV} domain and bring back information was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

Jeff Main asked Amy Burkot to review the Shade Tree information included in the packet. Amy reviewed that she wanted to begin the Shade Tree initiative by planting thirty trees in the locations indicated in the packet. She reviewed that due to PENNDOT repaving Main Street in 2017 had affected and altered the locations chosen. Amy noted that all the locations chosen for the 2016 Fall Planting were in grass areas between the curb and sidewalk or open vacant tree wells and no concrete work was needed for this planting. She noted that to receive the grant funds for the Shade Tree Planting they would need to be planted in an open area not smaller than 4'x4'. Amy noted that future planting locations may need to have concrete removed creating a spot or enlarging an existing tree well which Council would have to approve at a later date.

Jeff Main recognized Michael Cockash and Josh Meyers who voiced concerns with the Borough disturbing recently installed sidewalks. Josh Meyers commented that the Borough should develop a Comprehensive Plan and noted that at one time the Borough had one. Michael asked if the Borough would refund the property owners who had just had to pay to install recent sidewalk. Dawn Scheller noted that when Derek Stoy begins to review curb and sidewalk along Main Street, Derek maybe able to identify locations that the property owners could install or enlarge a tree well. She also noted that the Borough does not have a current Comprehensive Plan. Josh noted that it would require some Engineering Funds, but would be beneficial for future projects as the Borough seems to be placing the cart before the horse. Jeff Main noted that this should be placed on the Streets Committee Agenda for the upcoming meeting.

After that discussion, the present audience members and Borough Council Members agreed that the square looks nice.

MOTION: to approve the advertisement of the Shade Tree Meeting to occur on July 5, 2016 with the property owners invited to attend was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to adjourn into executive session with possible action to be taken at 7:50 pm was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

Regular session resumed at 8:03 pm.

MOTION: to authorize the Solicitor to contact Principal in writing communicating that Council has elected to purchase the pension annuity benefit payment of Julia Grove's benefit under the non-participating option. The estimated cost to purchase the benefit is estimated at \$73,727, the benefit would continue to be paid under the current FPI contract and the final cost would be determined on the day the funds are transferred to your new carrier. No further expenses would apply to the contract once the benefit is purchased under the non-participating option was made by Donald Stoner, second by Catalin Bonciu, all ayes, motion carried.

Donald Stoner remarked that an unfortunate situation has come about in the Community and he wanted to discuss something from a Council perspective, and not from a personal one. He asked Borough Council Members to seriously consider a reorganization and noted that Council could always reorganize again later in the year depending on the outcome. Donald Stoner said that he has nothing against Tom, but the Borough has been brought into it.

Amy Burkot stated that she absolutely disagrees. She said that Tom has served the community faithfully and she believes that it is disrespectful. Amy believes that Council should wait until he has been proven guilty or innocent. She added that Tom has not been accused of a crime, and the people in the community that is having a problem with it, that it's their problem. It is not a Council problem.

Donald Stoner said that whether he stands behind Tom is his personal business, and his decision is based on conducting our (Council) business.

Amy responded that it should have no impact on our (Council) business. She said that there has been no assertion that he has committed a crime.

Jeff Main asked if there was a motion on the floor to reorganize Borough Council at this time, Dusty made the motion, he asked for a second, Jonathan Kittredge and Amy Burkot said not from them, Lisa McCoy said no, but that she thought that they could ask Tom, Jeff interrupted and said that Council can discuss further if he received a second, Catalin Bonciu second the motion.

MOTION: to reorganized Borough Council was made by Donald Stoner, second by Catalin Bonciu, Lisa McCoy asked what if they ask Tom to step away from Council until the matter is solved and his name is cleared. Amy Burkot said that "it is not out there". Lisa said, "that it is because if any decision that will be made by his participation can be questioned later on if he's proven guilty" and "that this is not good for the community". Amy Burkot said, "that this is not how America runs". Lisa said, "she doesn't mean any disrespect and wishes him the best". Lisa asked if Council rather than doing this formal reorganization can just ask him to voluntarily step away until the matter is closed? Jeff Main answered that it already was an option, that Jeff asked Tom, and Tom said no. Jonathan Kittredge said that in this society that we live under a code that we are innocent until proven guilty in a real court of

law, that does not mean being skewered one hundred times in some sort of social media. Jon said that he will not assist in railroading someone. At this time to the best of Jon's knowledge that he has not been charged with any crime, nor has he been convicted of one. Jon continued that he will not vote to reorganize Council at this time because of that reason. Donald Stoner spoke that his motion is not to railroad Tom, it's not an assumption of guilt. Dusty said it's neither. He added that the reason why he made the motion was for the conduction of Council business. Donald Stoner said that it is the sole purpose for his motion. Amy Burkot said that personal opinions have no merit here. Catalin Bonciu said that it is a personal matter and it doesn't affect Council. Jeff Main asked for it to come to a vote, Amy Burkot and Jonathan Kittredge opposed, Donald Stoner was the only aye, and Jeff Main, Lisa McCoy, and Catalin Bonciu abstained, the motion failed.

Council Members began to discuss whether they needed to write a letter of reason for the abstention.

Steve Coccoresse said that he doesn't believe that they have to, the letter of abstention is only needed if the matter is a conflict of interest.

Jeff Main noted that he will publicly state why he abstained. Jeff did not think it has anything to do with Council. Council Members discussed that Borough Council can reorganize at any time.

Mayor Defibaugh noted that he had received a notice of increase from West Penn Power for Consumers of 9.6%, Commercial 1.8%, and Industrial Customers of 0.8%. He asked Borough Council to send a letter to West Penn Power asking why the residents are getting such a large increase.

MOTION: to authorize the Borough Manager to write a letter to West Penn Power asking why the residents are paying such a large increase of 9.6% especially for the residents on fixed incomes was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to adjourn at 8:15 pm was made by Jonathan Kittredge, second by Catalin Bonciu, 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.

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

