

**Mercersburg Borough Council Meeting
Borough Hall, Mercersburg, PA
Tuesday, July 5, 2016
MINUTES**

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

Absent: President Tom Suddeth, Member Lisa McCoy, Chief of Police, and Engineer

Guests/Press: See sign-in sheet

Meeting was called to order by Vice-President Jeff Main with the Mayor leading the Pledge of Allegiance at 7:00 pm. Vice-President Main opened the floor for Public Comments.

Mr. Nelson, 23 Linden Avenue, was the first to speak. He objected to the fact that some dictator can come on his property, in front of his house and plant trees without his permission. He thinks that the property owners should be given the right to refuse the trees. He suggested that Borough Council make this option available to property owners.

Tim Rockwell, 153 Johnstons Lane, was concerned that Council was unfamiliar with what the Ordinance stated regarding the requirements of the Borough when the tree are planted. He suggested that the Borough ask the Solicitor to draft an information sheet that would detail the Borough's responsibilities are and what the homeowners would be.

Ron Snyder, representing the Lutheran Church, asked the Borough not to plant a tree in front of 8 Linden Avenue. He added that the property has not had a tree in front of it for the last 100 years and he has photos for Council Members to view. He noted that it is a historic property and the Lutheran Church does not wish to have trees planted.

Helen Bryant, 34 Loudon Road, asked for clarification about a recent article in the paper, she noted it was in the same paper that had a photo of the Police Chief and the Mayor taken of them during a ride along. She was concerned that State Police coverage had been denied by the Borough.

Mayor Defibaugh stated that he would review the article and follow-up with her over the next couple of days.

Helen Bryant then voiced some concern over police coverage, the hours the department covered, and the budget. She asked for clarification on police raises and other personnel policy items.

Catalin Bonciu noted that the Finance Committee would be meeting in July to begin the 2017 Budget process. He remarked that the Borough operates off of a small budget and still complies with the agreements that the Borough has entered into. One agreement discussed was the Collective Bargaining Agreement, this does include annual salary increases for the Police Department.

Jeff Main thanked Helen for her comments. Jeff noted that the Mayor was looking into her concerns regarding the Police Department and asked that she give the Mayor time to look into them and get back to her in the up-coming week.

Robert Jackson, 67 Linden Avenue, addressed Council with concerns of planting trees. He noted that if the Borough were to plant two trees in-front of his property it would limit where he would be able to park so that a passenger could exit the car. Mr. Jackson commented that many of the property owners on Linden Avenue went to great expense to remove trees along Linden Avenue due to the streets project. He noted electrical lines, root issues, and future damage the trees will create to curb and sidewalk. He asked that Council not plant a tree at his property as the trees would eventually disturb the sidewalk and would leave the future homeowners with more expense.

Dawn Scheller stated that she received an email from the Trinity United Church of Christ. They also asked the Borough not to plant a tree in front of their property.

Mr. Snyder asked if this proposal was phase one of many or if this was the only tree planting the Borough had planned.

Amy Burkot answered that it is only phase one. She stated that Linden Avenue was chosen due to the PENNDOT planning a paving project for Main Street in 2017. She reviewed that the Borough signed up for a tree initiative with the Governor and he has allotted the Borough a certain amount of money for trees to be planted.

Mr. Snyder noted concerns with mold and rotting of wood trim work on older properties that are shaded. He believes this is due to the constant shade and the sun not able to reach it. He reviewed that those properties, especially with wood trim, have issues because it is always wet, moldy, and not able to dry out. He asked that future planting locations include those observations prior to any final decisions being made.

Vice-President Main thanked everyone for their comments and moved on to the items listed on the Agenda.

MOTION: to approve the June 6, 2016 Meeting Minutes was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

MOTION: to approve the month ending June 30, 2016 Treasurer's Report, Bills Payable/Invoices as presented was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

Roger Defibaugh presented the Mayor's Report. He reviewed that he was scheduled to visit the Franklin County 911 center at the end of July and he would report back to Council at the following meeting. Mayor Defibaugh noted that the McDonalds Contract fee was paid and the correction would show on the next Treasurer's Report.

Vice-President Main asked if anyone had any questions regarding the Police Chief's Report, it was noted that the department has deposited the meter coin and the coin cart is working well. No questions were asked at this time.

The Solicitor had one item for discussion for an executive session.

Dawn Scheller presented the Borough Manager's Report. A copy of the Audit was placed at each Council Persons seats. She noted that Tina Gipe, Auditor, will meet with the Finance Committee to review the Audit Report and answer any questions that they may have. The Finance Committee will meet on Tuesday, July 19, 2016 at 1:00 p.m. If anyone that is not on the Finance Committee has questions, please forward them to her prior to July 15th.

MOTION: to formally accept the 2015 Annual Independent Audit Report as presented and authorize the office to advertise the annual audit letter and financials as required was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

The outstanding sidewalk loan balances total \$6,680.20 (all current) with the remaining \$68,319.80 available to residents who are required to replace/repair their curb and/or sidewalk. She provided an update on the [.GOV] inquiry with information from Mercersburg Printing regarding costs for the [.GOV] site. She noted that she is still waiting on information from Comcast, Century Link, and Verizon on quotes for phone/cable/internet costs. She asked that Council Members approve a \$30,000 transfer from General to the Payroll Account.

MOTION: to approve a transfer of \$30,000 from General Fund to the Payroll Account was made by Donald Stoner, second by Jonathan Kittredge, all ayes, motion carried.

Dawn Scheller noted that the Pension Plan Transfers were expected to occur on August 2, 2016. She noted that she would keep Council informed on the transition. She also provided the following donation updates; Beautification Committee has received \$300.00 in donations for flags, and a \$750.00 donation for a bench; Summer Playground has received a total of \$4,050 in donations for this year's program. Dawn noted that Amy Burkot is working with John Flannery to plan a Christmas Decoration Fundraiser to occur on Sunday July 24th at Flannery's Tavern on the Square where 15% of the sales would be donated to purchase Christmas Decorations. Council was asked to approve this fundraising event with necessary ads and staff time to assist.

MOTION: to approve the Christmas in July Decoration Fundraiser to be held on July 24th at Flannery's Tavern on the Square with a not to exceed advertisement amount of \$150 for this event was made by Jonathan Kittredge, second by Amy Burkot, all ayes, motion carried.

Derek Stoy presented the Assistant Manager's Report. His report included that he has sent 4 Weed Ordinance Violation notices, and that he was looking into the alleyways that are overgrown. It was noted that Hitching Post Alley needed some attention. Derek stated that he would look into it. Derek noted that Rutter's was expected to be open by Labor Day and the contractors were even working on July 4th Holiday to maintain the project. He provided Council with a program that Fulton County Medical Center has offered, free of charge, a health screening program that allows willing employees to be tested for Glucose, Cholesterol and Blood Pressure. This would be done on a quarterly basis and this program will also bring discussion about health and wellbeing. Test results will be sent to the employee's family doctor for review. Derek Stoy presented a map of the Tannery Property and a plot of where he thinks the salt shed should be placed, noting the area of trees that would need to be removed and area cleared.

MOTION: to continue to allow Derek Stoy to move forward and obtain quotes for the clearing, preparing, and building the designed structure was made by Jonathan Kittredge, second by Amy Burkot, all ayes, motion carried.

Derek Stoy provided his opinion on the Street Sweeper that it would not be beneficial to fix the machine. He recommended scrapping the unit or placing it out for bid.

MOTION: to authorize the Assistant Borough Manager to obtain costs and offers to scrap the Street Sweeper was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

Vice-President Jeff Main asked for the Committee Reports.

MOTION: to approve COA- 16-6-01 at 37 East Seminary with a standing seam roof material was made by Catalin Bonciu, second by Donald Stoner, Jonathan Kittredge abstained, remaining ayes, motion carried.

Jeff Main 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.

Personnel Committee reviewed the Operations Agreement. They asked if the Authorities had received it and if the Boards had a chance to review the information. Dawn Scheller reviewed that both Authorities had not met, but would receive the information in July. Borough Council Members asked that it be tabled until the Personnel Committee has received comments from the Authorities.

Streets Committee met on June 8, 2016 and made the following recommendations;

MOTION: to approve Derek Stoy to complete a Curb and Sidewalk Survey along North and South Main Street in preparation for the State Paving Project and bring the information back to the Streets Committee was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

MOTION: to approve not to exceed expense of \$10,000 for the paving of Seminary Lane for the area that the Borough is responsible for (estimated that material would cost approximately \$4,000 with a labor cost of \$5,500) was made by Catalin Bonciu, second by Jonathan Kittredge, Donald Stoner abstained, remaining ayes, motion carried.

MOTION: to approve Outdoor Contracting to perform the fall street sweeping at a rate of \$115 per hour was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to authorize the American Legion to install an inlet at the dead end of Keefer Drive to assist with storm water control at no cost to the Borough was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.

Vice-President Main moved on to other items listed on the Agenda.

Dawn Scheller reviewed that the property meeting advertisement was run in the Journal per the Ordinance requirement and letters were sent to the property owner inviting them to attend the meeting to discuss the tree planting as Council had asked. Amy Burkot read portions of the Shade Tree Ordinance to present Council Members, she noted that the Borough had applied for a grant which was also obtained by other communities in the area from the Chesapeake Bay Alliance. Amy stated that they have been very welcoming and she has worked closely with a Forrester to determine the tree planting locations. Amy noted that if Council wished to plant trees in tree wells for example on Seminary Street, those tree wells would need to be expanded at great costs. The Forrester agreed that areas like Linden Avenue with large grass areas would be a better location with little prep work needed for the area. She stated that the Chesapeake Bay Alliance would be willing to assist the Borough with this project even in areas that require concrete work. Amy reviewed that she has invested countless hours on this project and noted that the Forrester would continue to work with the Borough to plant these trees. She asked that Borough Council vote to approve the planting of these trees.

Mr. Snyder commented that he doesn't see a problem here. He said the Ordinance doesn't say that Council has to plant the trees. He suggested that Council pole the community to find locations for the trees of people who want trees planted.

Vice-President Main asked for other Council Members thoughts.

Jonathan Kittredge thinks that it should be voluntary, that it should not be up to government to decide what someone should do with their property. Donald Stoner feels that it should be a voluntary process, but if the Borough plants a tree the responsibility to maintain the tree should be the Borough. Catalin Bonciu voiced his opinion that he thinks it should be a voluntary program that it should be a choice. Jeff Main voiced that he thinks it should be a voluntary program. Amy Burkot stated that she thinks the Borough will have to turn down the grant and she is not sure of the outcome of the funding.

MOTION: to authorize the planting of Shade Trees on a voluntary basis, provided grant funds are available provided the locations suit the Forrester was made by Donald Stoner, second by Jonathan Kittredge, Amy Burkot opposed, remaining ayes, motion carried.

MOTION: to authorize Mayor Defibaugh to attend the Mayors Conferences on Thursday, 7/21/16 afternoon session with the costs for attendance and mileage to be paid from GF: 401.46 was made by Donald Stoner, second by Catalin Bonciu, all ayes, motion carried.

MOTION: to adjourn into executive session for potential litigation matters with possible action to be taken at 8:31 pm was made by Donald Stoner, second by Jonathan Kittredge, all ayes, motion carried.

Regular session resumed at 8:46 pm.

MOTION: to authorize the Solicitor to seek a Court Order requiring the property owner of 141 North Main Street to comply with the Zoning Ordinance (No. 6-3) and Nuisance Ordinance (No. 10-6) motion made by Catalin Bonciu, second by Donald Stoner, Jonathan Kittredge and Amy Burkot opposed, Catalin Bonciu, Donald Stoner, and Jeff Main were ayes, motion carried.

MOTION: to allow the Personnel Committee to interview PT Police Candidates was made by Catalin Bonciu, second by Donald Stoner, all ayes, motion carried.

Meeting calendars were provided at everyone's seats. No other items were brought before the board.

MOTION: to adjourned at 8:55 pm was made by Amy Burkot, second by Donald Stoner, all ayes, motion carried.

These meeting minutes were 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: _____

