

**Mercersburg Borough Council**  
**Borough Hall, Mercersburg, PA**  
**October 9, 2017**  
**MINUTES**

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

**Absent:** President Tom Suddeth, Council Member Lisa McCoy, and Engineer Lance Kegerreis

**Guests/Press:** Robert McCulloh and Sandra McCulloh: 5006 Buchanan Trail West, Greencastle; Rachel Nichols: Mercersburg Journal; and Linda Hargrove: Mercersburg Academy; John Flail: 107 Oregon Street, Mercersburg

Vice-President Jeff Main called the meeting to order and asked Mayor Defibaugh to lead the Pledge of Allegiance after which he opened the floor for public comments.

Mr. Robert McCulloh asked Borough Council for permission for the Shaffers to help when his company does work for the Borough. He said that before he hired Donald Sr. Mr. McCulloh had a fella that worked for him, Zach Wolf, and when Zach found out that Don Sr didn't have a job and (since Zach was single) so he offered McCulloh to hire Sr. so that Sr. wouldn't lose his house. Mr. McCulloh said that he went to Derek and asked Derek about it, and Derek said that he didn't have a problem with it, so, Mr. McCulloh hired Don Sr. and stated that now there seems to be a problem with the Shaffers helping. Mr. McCulloh stated that he doesn't see there being any problems and reviewed that he has a paper that says if someone gives permission they can be on the property and work for him. He stated that all he is asking is for someone to give permission. Mr. McCulloh said that Council is not punishing them, but that they are punishing him. He thinks that he has done a lot for Mercersburg and they can confirm by asking Derek. He listed the pieces of equipment that he has lent the Borough at no cost. Jeff Main noted that all Borough property includes the sewer lines, water lines, Borough Streets, and Borough owned land/buildings. Jeff Main reviewed that in the end they are not allowed on the property without permission for 12 months according to the court order. Dawn Scheller stated that she has met with Mr. McCulloh and has spoken with Don Shaffer Jr.'s attorney and she has told them both that she is not willing to give either of them permission to be on Borough property. Steve Coccorese stated that it does allow for an authorized agent of the Department of Public Works to authorize it and if Council was to grant the permission, they would be allowed to do so. Jonathan Kittredge stated that he has two comments; 1) that it is up to the Borough Manager to make the decision, not Council, and he feels that she has made it; 2) he said this is not about punishing Mr. McCulloh, he said that this is about the people he may have hired. Mr. McCulloh stated that if he can't use them, then he would have to hire someone else. Jeff and Dusty agreed that they can see it from both sides. Steve stated that if Council wished to delegate the decision to Dawn that is an option or if they wished to make the decision themselves they can do so. Steve stated that legally the court order would allow for Borough Council to make the decision. Jeff asked Dawn again if she would authorize it, and she said no. Jeff Main asked the Mayor and Mayor said that he thinks Council should support the Borough Manager. Amy Burkot agreed with Mayor and said it should be at Dawn's discretion. Jeff Main said that Council would support Dawn's decision as it was her discretion and thanked Mr. McCulloh for coming. Mr. McCulloh left the meeting dissatisfied.

**MOTION: to approve the September 11, 2017 with the addition of “Parks Garbage Service the contract” to the first motion on page 1 was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.**

**MOTION: to approve the Treasurer’s Report and Bills Payable Invoice List as presented for the month ending September 30, 2017 was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.**

Mayor Defibaugh reported that he has met with the new Tuscarora School District Business Manager and reported that it was a very positive meeting. He commended the Chamber for a wonderful Townfest Day noted that there was a large turnout. He also thanked Dawn for her assistance since he was appointed as Mayor and wished her the best.

There were no questions regarding the police report, if any would arise, they were asked to be directed to the Mayor.

Dawn Scheller reviewed her Manager’s Report which included the outstanding balance on the curb and sidewalk loan account which was \$31,236.47 leaving \$43,763.53 available for residents to use for curb and sidewalk restoration projects. She provided Council with two Resolutions appointing Derek Stoy as the Borough’s representative for the Franklin County Council of Governments and the Chambersburg Area Wage Tax Board. She noted that if Borough Council wished to appoint an alternate now they could do so. She relayed that some of the other municipalities appoint Board Members to serve on both. Borough Council Members thought that they should wait on appointing an alternate. Dawn Scheller provided information on the Pension State Aid Funds received and noted that the Borough has paid and mailed the 2017 MMO Pension Contribution for this year. She also recommended that Borough Council authorize Derek Stoy to contact PLGIT and First Community Bank of Mercersburg regarding any general banking questions or requests in her absence along with any vendors needed to make any changes to the Borough accounts or services. She provided the Council Members with a copy of the new trash schedule for 2018.

**MOTION: to approve Resolution 08-17 appointing Derek Stoy as the Borough’s representative on the Chambersburg Area Wage Tax Board; Resolution 09-17 appointing Derek Stoy as the Borough’s representative on the Franklin County Council of Government’s Board; and authorize Derek Stoy to contact PLGIT, First Community Bank of Mercersburg, and other vendors as necessary in her absence on the Borough’s behalf to obtain information, make any changes to accounts and services as needed was made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.**

Derek Stoy presented his Assistant Borough Manager’s report which included information that he would be meeting with Penn DOT for a final walkthrough of the Main Street Paving Project. He reviewed that he issued three Land Use Permits and noted that the Borough garage parking lot was expected to be paved the week of October 9<sup>th</sup>. He assured Borough Council Members that Mr. McCulloh had a plan worked out prior to his attendance at tonight’s meeting, however should he not follow through Derek was prepared to contact the next lowest bidder to get the work completed. Derek reviewed that he was still trying to obtain pricing on the roof repairs/replacement cost for both Borough Hall and the garage. He would forward that information once it was received. Derek reviewed that he had a meeting with Penn DOT representatives regarding the questions asked by property owner Jonathan Flail, 107 Oregon Street. Unfortunately, no additional information has been received and the initial questions asked by John are still outstanding. Derek reviewed that he calculated an estimate for costs to replace curb and

sidewalk from Main Street to the School District. He reviewed that this area reviewed as that area included the bridge in question. Derek suggested that Borough Council obtain a survey for that area as Penn DOT has concluded that it does not belong to them and they were not responsible for it.

Jeff Main noted that a copy of the Public Works Department Report was included in the meeting packets for review, there were no questions at this time.

Vice-President Main moved on to the Committee Meeting Reports.

Catalin Bonciu reviewed that the Finance Committee has provided a copy of the 2018 Proposed General Fund Budget with a 0% tax increase. He thanked Dawn Scheller for the work that she did to prepare the budget. He also thanked the Mayor, Police Chief and other Committee Members for their time and effort. He asked Borough Council to approve the advertisement of the budget with the adoption to occur at the December 11, 2017 Council Meeting.

**MOTION: to approve to advertise the proposed 2018 General Fund Budget with a zero percent tax increase for the public to inspect prior to adoption at the December 11, 2017 meeting was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.**

Vice-President Main reviewed the HARB Meeting information from October 3, 2017 and noted that they reviewed one application for a proposed fence at 115 South Main Street. A copy of the application, photos, and consultants review was included in the meeting packet. The HARB Board made the recommendation to Council to approve the application.

**MOTION: to approve COA:2017-10-01 was presented was made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.**

Jonathan Kittredge reviewed that after further review with energy costs at the Borough Garage that he proposed to rescind the motion instructing Borough Management to prepare a HARB application for windows at the garage.

**MOTION: to rescind the motion made at the September 11, 2017 meeting regarding garage windows was made by Jonathan Kittredge, second by Catalin Bonciu, all ayes, motion carried.**

OLD BUSINESS:

**MOTION: to approve Council President to sign the amended letter prepared by Herbruck's Poultry Ranch, Inc. dated September 21, 2017 with the changes as proposed was made by Jonathan Kittredge, second by Donald Stoner, Steve review that included in the letter that nothing in the letter required the Borough to make any repairs or improvements to Landis Drive if sufficient grant funding is not obtained, as determined in the sole discretion of the Borough Council, a vote was taken, all ayes, motion carried.**

NEW BUSINESS:

**MOTION: to approve the Franklin County Public Safety Training Center's request for annual funding in the amount of \$234.15 was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.**

**MOTION: to approve M.M.P.& W. Fire Police to assist with the following scheduled activities; Saturday, 10/21/2017 McConnellsburg Fall Festival, Friday, 10/27/17 Greencastle Halloween Parade, Friday, 11/17/17 Greencastle Tree Lighting, and Saturday, 11/18/17 Greencastle Christmas Parade, was made by Jonathan Kittredge, second by Donald Stoner, all ayes, motion carried.**

**MOTION: to accept the resignation of Dawn Scheller as the Borough Manager effective October 31, 2017 with regret was made by Jonathan Kittredge, second by Donald Stoner, Council Members and others present thanked Dawn for her work and stated that she will be missed, a vote was taken, all ayes, motion carried.**

Mayor Defibaugh announced that Trick-or-Treat has been scheduled on Saturday, October 28, 2017 between 5:00 pm and 7:00 pm.

**MOTION: to enter executive session for personnel matters with action to be taken at 7:52 pm, Derek Stoy was asked to leave during executive session, motion made by Catalin Bonciu, second by Donald Stoner, all ayes, motion carried.**

Resumed regular session at 8:10 pm.

**MOTION: to appoint Derek Stoy as Acting Borough Manager where he will receive the same compensation of the current Borough Manger until a replacement can be found was made by Catalin Bonciu, second by Jonathan Kittredge, all ayes, motion carried.**

Mayor Defibaugh noted a Streets Committee Meeting request made by the Chief of Police. Vice-President Main reviewed that they would hold a meeting on October 25<sup>th</sup> at 6:30 pm to discuss.

A review of the upcoming meetings was completed along with the correspondence. Dawn Scheller reviewed that on occasion the Borough Office may have to close due to lack of coverage for the office until a replacement can be found. She stated that the door would be posted and Derek would contact Council President/Vice-President noting the occasional occurrence. No other business was brought before the board.

**MOTION: to adjourn at 8:15 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 by: \_\_\_\_\_ Second by: \_\_\_\_\_