

**Mercersburg Borough Council
Borough Hall, Mercersburg, PA
January 10, 2011
Minutes**

Attending: President Elizabeth McClintick, Josh Meyers, Betty Stenger, Dusty Stoner, Tom Suddeth, Chris Frisby, Jack Bickley, Mayor James Zeger, Interim Borough Manager Tammy Oberholzer, Interim Assistant Borough Manager Dawn Scheller, Solicitor Sam Wisner, Engineer Garry Brennan, Chief John Zechman

Absent: None

Guests: Mike McCarty, Tim McCown, J.W. Ross, Carol Ralston, Tom Ralston, and William Landis

Press: None

President Elizabeth McClintick called the meeting to order at 7:00 p.m.

Mayor James Zeger asked for a moment of silence for those who were killed and injured in Tuscan after which Mayor Zeger led the Pledge of Allegiance.

President Elizabeth McClintick welcomed the guests and offered them opportunity to address Council. There was no Public Comment.

MOTION: to approve the minutes of December 13, 2010 with minor corrections was made by Betty Stenger and second by Josh Meyers, all ayes, motion carried.

The Treasurer's report for the month ending December 31, 2010 was presented. President McClintick asked if there were any questions or concerns.

MOTION: to accept the Treasurer's Report for the month ending December 31, 2010 as presented was made by Josh Meyers and second by Betty Stenger, all ayes, motion carried.

The bills payable list for the month of December 2010 was presented for review and comment.

MOTION: to approve the bills payable list for the month of December 2010 was made by Dusty Stoner, second by Jack Bickley, Tom Suddeth opposed, remaining members' ayes, motion carried.

Tammy Oberholzer stated that Amy Hershey would like permission to transfer \$50,000.00 from the General Fund Reserve Account to the General Operating Fund to pay for the Insurance Premiums. Tammy Oberholzer stated that these funds would be replenished throughout the year. Tammy stated that the transfer would pay for the Insurances and allow for cash flow for the year.

MOTION: to authorize a \$50,000.00 transfer from the General Fund Reserve Account to the General Fund Operating Account was made by Josh Meyers, second Dusty Stoner, all ayes motion carried.

Mayor Zeger presented Tom Ralston with a Proclamation for his years of service. Mayor James C. Zeger and the Mercersburg Borough Council expressed their sincere appreciation and thanks to Mr. Thomas Ralston for his distinguished service to the community. They highly commended him for the manner in which he had carried out his duties and responsibilities during his 26 years of service to the Mercersburg Borough. Tom Ralston thanked the Mayor and Borough Council for the recognition and he was very grateful to have had the opportunity to serve the community.

Mayor Zeger stated that he would be leaving early this evening due to an important conference call. He stated that he would be leaving approximately at 7:30 p.m.

Chief Zechman presented his report for December 2010 which included the following information; 93 Complaints, 0 Ordinance Violations, 9 Incidents (Criminal Investigations), 5 Criminal Arrest, 2 Accident Investigations, 108 Citations, 16 Parking Tickets.

Chief stated that he has provided the Technology Committee with three computer quotes for their consideration. The Agreement with TSD has been sent to Mr. Holtzman for review and discussion. Chief Zechman stated that they would have a final draft of the Service Agreement before the next council meeting.

Chief Zechman requested that Council approve payment of his Chiefs of Police Association dues for 2011 for \$100 and to purchase the updates for the Police Manual at a cost of \$50.00.

MOTION: approve payment of the Chief of Police Association dues for 2011 for \$100.00 and to purchase the updates for the Police Manual to be paid out of 41046 was made by Josh Meyers, second by Tom Suddeth, all ayes motion carried.

Sam Wisner had nothing to present at this time.

Garry Brennan presented his report. Garry Brennan was in contact with DEP regarding the ACT 537 Plan/Review. Mr. Gates contacted Garry prior to the meeting and indicated that they are working on the comments and would be issuing a comment letter prior to January 21, 2011. President McClintick asked if Garry knew if the comments were favorable. Garry stated that he believes that the Plan would be determined to be incomplete. Garry stated that there is still work that the outlining townships need to complete and the specifics for that work would be documented in the letter.

Findlay Park Phase I work is completed and we are awaiting dedication of the streets from Dorsey Builders. Sam Wisner stated that they would be reviewing Findlay Park issues in executive session.

Seminary Street Storm Sewer walkthrough was completed. Garry is recommending that it be replaced. Garry Brennan stated that it collapsed when Columbia Gas was working nearby. A Change Order to Charles E. Brake Company would be required to have this item replaced. Garry is awaiting an estimate for replacement, he will forward that information to Tammy Oberholzer, and she will then forward it to Council. Garry asked Council for consideration of a 2nd meeting if he receives this information in time.

The Grain Alley Project has begun and the Food Lion Plans are here and require signatures.

The Leech House Demolition Project has started and they expect to be completed in two weeks.

Garry stated that the Annual Services Contract was up for renewal. Tammy Oberholzer stated that it was listed under New Business.

Garry provided Council with a verbal update for the Mayo Building, 118 South Main St. Garry stated that he had just gone through the building before the meeting. He stated that there are no structural concerns and stated that improvements were recently done to the property. President McClintick asked if those improvements were items that would have been items paid for by the Borough. Tammy Oberholzer said that she would check. Garry stated that he was not able to check the water or the heater due to the electric being shut off. Tammy Oberholzer stated that this is something that she would look into. Garry Brennan will be providing Borough Council with a written report on the Mayo Building so that they have it for their records.

Tammy Oberholzer presented her monthly Manager's Report. Tammy updated Council about the Irwin House Plans. The Zoning Hearing Board denied Mr. Flannery's variance request. He has resubmitted plans without parking and those will be reviewed for action at the January 19, 2011 Planning Meeting.

Franklin County Area Tax Board update: The voting structure will be changed to one-person one vote and it will be voted on at the next meeting on January 27th. Tammy stated that this is new business agenda and would like Council to approve the Amended Article III Membership for the Franklin County Area Tax Board.

Tammy Oberholzer stated the Police Pension Plan Change was properly advertised and is listed as an item under new business for adoption.

Annual Employee Evaluations have been completed, delivered, and reviewed with the Personnel Committee. The Personnel Committee will provide Council with that information later in the meeting.

Tom Suddeth asked Tammy Oberholzer about the process that was going to be followed concerning Snow Removal and any violations that may occur. Tammy asked that she be notified if no one complies with the Ordinance so that she can send out letters. Tom Suddeth stated that sending out letters might take too long because they need to have the snow removed within 24 hours. Tammy stated that she has to follow the Ordinance but can place a reminder in the newspaper asking residents to have the snow

removed within the time specified in the Ordinance. President McClintick asked if the Snow Emergency Plan and Nixle Information could be including as well. Tammy stated that those were valued suggestions and she would contact the Journal. Tom Suddeth asked if the Police Department could assist the Borough Office with monitoring the violations. Tammy Oberholzer stated that she would discuss it with the Chief.

Dawn Scheller presented the Secretary's Report. The Borough Office has been a very busy place and has had new carpet installed. The office is currently in the process of getting reorganizing. Dawn Scheller thanked everyone for all of the help and support that was provided during the process.

This month Dawn Scheller has worked on streamlining processes within the offices and verifying that we are routinely saving the valuable information with the technology resources that we have available.

President McClintick stated a special "Thank You" to all involved who assisted with the recent office improvements.

President McClintick stated that the Public Works Report was provided in Council's Packet for review.

MOTION: to enter into Executive Session at 7:37 p.m. for Potential Litigation and Contractual Issues with possible action to be taken was made by Josh Meyers, and second by Dusty Stoner, Tom Suddeth opposed, remaining members ayes, motion carried.

Borough Council met in Executive session and the regular meeting resumed at 7:58 p.m. with the following action to be taken,

MOTION: to authorize the advertisement of an Ordinance accepting the previously open roads know as Findlay Drive, Maple Drive, and Overhill Drive contingent upon receiving the requisite Deeds of Dedication from the developer prior to the advertisement of said Ordinance as well as receiving the necessary Deeds of Dedication for the Water and Sewer Improvements which are located within the streets was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.

The Nomination Committee presented their Recommendations for Appointments to the following Authorities and Committees. Dusty Stoner abstained from the vote for Fire Board appointment due to his employment with the MMP & W Fire Company.

The Mercersburg Sewer Authority has an open position that no one has shown interest, therefore, there are no recommendations at this time.

The Nominating Committee would like to Nominate Issa Ziadeh to serve a 5-year term on the Water Authority.

MOTION: to adopt Resolution 01-11 appointing Issa Ziadeh to serve a 5-year term ending on December 31, 2015 on the Water Authority was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.

The Nominating Committee would like to Nominate Maurice Gossert and Thomas Riford as the Alternate to serve on the Zoning Hearing Board.

MOTION: to adopt Resolution 02-11 appointing Maurice Gossert and Thomas Riford (Alternate) to serve a 3-year term ending December 31, 2013 on the Zoning Hearing Board was made by Josh Meyers, second by Betty Stenger, all ayes, motion carried.

The Nominating Committee would like to Nominate R. Clem Malot, Building Inspector and Jennifer A. Greenlee, Architect to serve a 5-year term ending December 31, 2015 on HARB.

MOTION: to adopt Resolution 03-11 appointing R. Clem Malot and Jennifer A. Greenlee to serve a 5-year term ending December 31, 2015 on HARB was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.

The Nomination Committee would like to present all four interested individuals as possible candidates to serve a 1-year term ending December 31, 2011 on the Fire Board. The Fire Board only has two available positions. Those four individuals are Joel Bradnick, Jeff Main, Tim McCown, and Michael McCarty.

President McClintick asked for advice from Sam Wiser as to how to proceed. Sam Wiser suggested that Council use a similar procedure as to when they reorganize. Sam stated that Council could go down the list and vote on each individual until both

positions have been filled. President McClintick asked if additional names could be added to the list. Sam Wiser stated that additional names could be added if a Nomination is made and interest has been expressed. President McClintick asked for additional nominations. No additional nominations were made.

President McClintick asked if anyone had any discussion that Council would like to have.

Jack Bickley stated that he has a concern with Mr. Bradnick's willing to waste \$20,000 by tearing down a building that has had interest in being taken free. Jack Bickley believes that the decision is an indication that Joel Bradnick is not fiscally responsible. Jack Bickley stated that the building has demonstrated historic value and potential commercial value to the borough and by being a Borough Representative; he has not taken an interest as to what would be best for the Borough. Jack Bickley added that Joel Bradnick has indicated that they purchased that property for \$120,000 with no plan as to whether or not they can use the property.

President McClintick stated that Jack's comments had gone from being about Joel Bradnick to being about they and she cautioned Jack Bickley.

Dusty Stoner stated that the entire Department made the decision to purchase the property with the stipulation that the structure be removed. Dusty said that the decision was not up to Joel but the entire Department. The Board of Directors serves as the Agent (per the Fire Board's Bi-Laws) for property owned. Dusty Stoner stated that neither tax money has not been used to purchase the property nor will tax money be used for removal of the structure. Dusty Stoner also stated that he is not aware of any Ordinance that requires any potential/current buyer to take into consideration of anyone's opinion about the property. Dusty Stoner asked Sam Wiser if as a representative to the Fire Board the main purpose for that position is to overseeing the distribution of tax money. Sam Wiser stated under the Fire Boards Bi-Laws they have many responsibilities and Sam would not just narrow it just to that one. Sam Wiser stated that they have many responsibilities. Dusty stated that he believes it to be ridiculous that two individuals are held accountable for something that many people voted and ultimately decided.

Tom Suddeth asked to make a statement. Tom Suddeth stated that Joel Bradnick has accused many Council Members and Community Members of harassment for them wanting to speak with him about the concerns that they have pertaining to this property. Tom Suddeth stated that Jeff Main has not returned any of his phone calls. Tom Suddeth believes that as a Representative that the Fire Board Members have an obligation to speak with Council Members and the Community when a concern arises.

Dusty Stoner stated that he and the Representatives have been repeatedly contacted about this issue. Dusty Stoner stated that they have a very busy Department and he himself does not have the time available to take every phone call or return every incoming phone call.

President McClintick stated that this is all information that the Council Members should think about when they cast their votes. President McClintick asked for any other comments. No additional comments were made.

President McClintick asked for the vote for Joel Bradinck to be appointed as the Fire Board Representative. Dusty Stoner abstained from the vote due to reason previously stated.

Tom Suddeth-No, Jack Bickley-No, Josh Meyers-No, President McClintick-No, Betty Stenger-No, Christopher Frisby-No.

President McClintick asked for any comments about Jeff Main. Tom Suddeth stated that he tried contacting Jeff Main by phone inviting Jeff to attend a Council Meeting. Tom Suddeth had spoken to his wife who said that he would return Tom's call. Tom Suddeth never received a response from Jeff. No additional comments were stated.

President McClintick asked for the vote for Jeff Main to be appointed as the Fire Board Representative. Dusty Stoner abstained from the vote due to reason previously stated.

Tom Suddeth-No, Jack Bickley-No, Josh Meyers-Yes, President McClintick-Yes, Betty Stenger-No, Christopher Frisby-No

President McClintick asked for any comments about Michael McCarty being appointed to the Fire Board. Tom Suddeth stated that he has served on the Fire Board before and believes that he would do a good job. No additional comments were made. Dusty Stoner abstained from the vote due to reason previously stated.

Tom Suddeth-Yes, Jack Bickley-Yes, Josh Meyers-Yes, President McClintick-Yes, Betty Stenger-Yes, Christopher Frisby-Yes

President McClintick asked for any comments about Tim McCown being appointed to the Fire Board. No comments were made. Dusty Stoner abstained from the vote due to reason previously stated.

Tom Suddeth-Yes, Jack Bickley-Yes, Josh Meyers-No, President McClintick-Yes, Betty Stenger-Yes, Christopher Frisby-Yes

MOTION: to adopt Resolution 04-11 appointing Michael McCarty and Tim McCown to serve a 1-year term ending December 31, 2011 on the Fire Board was made by Tom Suddeth, second by Jack Bickley, opposed by Josh Meyers remaining Council Members ayes, motion carried.

President McClintick asked for Sam Wiser's opinion regarding the Appeals Board and regular scheduled meetings for the Proposed Rental Ordinance on behalf of the Property Committee. Sam Wiser stated that the Appeals Board would be constituted similar to the Sewer Authority or Water Authority Boards where there is rotating term expiration. Sam Wiser recommended either a three or five person board and the appointments would take place at the same time of adopting the Ordinance.

Dusty Stoner presented the Personnel Committee recommendations for the following: 1) Officer Soffe to receive a pay increase from \$12.00 to \$13.25 per hour, 2) A cost of living pay increase of 1.5% to all employees and an additional 1.5% merit based increase to all personnel who scored an 80 or better on their annual evaluations with the exception of Tammy Oberholzer and Dawn Scheller. Tammy and Dawn's current positions will be evaluated at the upcoming Personnel Committee Meeting on January 24, 2011.

MOTION: to authorize Officer Soffe to receive a pay increase from \$12.00 to \$13.25 per hour was made by Tom Suddeth, second by Josh Meyers, all ayes, motion carried.

MOTION: to authorize a cost of living pay increase of 1.5% to all employees and an additional 1.5% merit based increase to all personnel who scored an 80 or better on their annual evaluations with the exception of Officer Soffe, Tammy Oberholzer and Dawn Scheller was made by Jack Bickley, second by Betty Stenger, all ayes, motion carried.

MOTION: to not grant Chief Zechman's request for an extension to use excess compensatory time to April 30, 2011 as the personnel manual has a provision granting 90 days to use the excess of 120 hours of compensatory time was made by Josh Meyers, second by Tom Suddeth, all ayes, motion carried.

Property Committee asked Sam Wiser what qualifications are required for individuals to serve on the Board of Appeals for the proposed property ordinance. Sam stated that anyone who would have general knowledge of property maintenance and who are borough residents would be appropriate individuals to serve on the Appeals Board. Sam Wiser stated that no more than one Council Member should be on the Board of Appeals. Sam stated that an advertisement of the meeting could be done as an Appeal is requested and would satisfy the requirement of proper advertisement. Sam Wiser also recommended that after the ordinance has been properly advertise Borough Council may proceed with Adopting the Ordinance, Constitute and Appeals Board, and Appoint a Code Official all at the same time.

President McClintick asked if we had a database that contained a list of Rental Property Owners. Tammy Oberholzer stated that a list could be compiled using the Utility Billing Software and that the office would do so. Tom Suddeth stated that he would like the office to send out notification providing the property owners an opportunity to ask questions and make suggestions. Sam Wiser verified that Borough Council must advertise a Summary of the ordinance at least one week prior to adopting it. President McClintick asked that a letter be drafted, notifying the Rental Property Owners of the Ordinance including the date and time of the meeting, and forwarded it to the Property Committee for review.

Sam Wiser stated that the Office would need to have a minimum of three copies of the International Maintenance Code book, one being available at the office. Sam stated the cost of these books would be no more than \$500.00.

Garry Brennan suggested that Clem Malot be available during that meeting to answer questions. Tammy Oberholzer stated that she would contact Clem regarding that request.

President McClintick asked Council Members for their recommendations regarding the Mayo Building. Tom Suddeth asked what the procedure would be to dispose the property remaining inside the Mayo Building. Sam Wiser suggested that a Resolution be drafted that would allow surplus property valued less than \$1000.00 be disposed at the Borough Manager's discretion. He stated that this would be something that Tammy could do. Tammy Oberholzer stated that she would have it completed by the next meeting.

MOTION: to authorize the advertisement of the Proposed Rental Ordinance was made by Tom Suddeth, second by Jack Bickley, all ayes, motion carried.

MOTION: to authorize payment of dues for \$25.00 to the 2011 Cumberland-Franklin County Boroughs Association was made by Tom Suddeth, second by Josh Meyers, all ayes, motion carried.

MOTION: to adopt Ordinance 5-6 amending the Police Pension Plan was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.

MOTION: to approve amended Article III Membership for the Franklin County Tax Board was made by Jack Bickley, second by Josh Meyers, question from Josh Meyers asking about the vote value if it is one entity equals one vote, Tammy Confirmed that it will be that way after the vote, Tom Suddeth asked if the Borough was a member in 2006, Sam Wisner stated that the Borough has been a member for a number of years, no additional questions were asked, Tom Suddeth opposed, remaining members ayes, motion carried.

MOTION: to act on and authorize the annual renewal of the Gannett & Fleming Contract was made by Jack Bickley, second by Josh Meyers, all ayes, motion carried.

President McClintick shared correspondence from Senator Alloway and State Representative Mr. Rock thanking the Borough for the letter regarding the Legislative Priorities regarding the PSAB.

President McClintick reviewed the calendar for upcoming meetings.

Streets Committee Meeting- was cancelled. Josh asked that information be gathered for the street sign maintenance/replacement and have the information available for February. Garry Brennan asked that the committee review the change order request once receive. Sam Wisner suggested that the Streets Committee member review the information and forward comments to Tammy Oberholzer.

Technology Committee Meeting- Dawn Scheller asked that the committee review the email from the Chief and reply with any suggestions. Josh Meyers, Chris Frisby, and Tom Suddeth stated that they would do so and forward the suggestions via email and keep the meeting as tentative.

Personnel Committee Meeting: Elizabeth McClintick asked Dusty Stoner if that would still occur to discuss the Interim Manager and Interim Assistant Manager Positions. Dusty stated that the Personnel Committee would meet.

Tammy Oberholzer stated that she would contact the appropriate persons about the newly appointed members.

MOTION: to adjourn at 8:50 pm was made by Dusty Stoner, second by Josh Meyers, all ayes, motion carried.

These minutes transcribed by Borough Secretary Dawn L. Scheller from her notes and a recorded tape of the meeting.

Respectfully submitted by Borough Secretary, Dawn L. Scheller

Approved:

Date 2/14/2011 1st Josh Meyers 2nd Betty Stinger Carried