

**Mercersburg Borough Council
Borough Hall, Mercersburg, PA
February 14, 2011
Minutes**

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

Absent: Mayor James Zeger

Guests: **Phil Rader**-15 Brightwood Drive, Hagerstown MD, **Jon Kittredge**-11 N. Main St, Mercersburg PA, **Mike McCarty**-22 W. Seminary St, Mercersburg PA, **Ed Twine**-PO Box 192, Mercersburg PA, **Kim Twine**-PO Box 192, Mercersburg PA, **Jossie E. Carmack**-13128 BTW, Mercersburg PA, **Jan Bowers**-11115 Mahogany Drive, Hagerstown MD, **Katja Harryman**-111 W. Seminary St, Mercersburg PA, **Jimmy Thomas**-33 Linden Ave, Mercersburg PA, **Denise Garnes**-12563 Long Lane, Mercersburg PA, **L.B. Kirbaker**-107 S. Fayette St, Mercersburg PA, **Vicki Kieffer**-107 S. Fayette St, Mercersburg PA, **Vincent Rhodes**-114 S. Park, Mercersburg PA, **Mike Edwards**-2 South Main St, Mercersburg PA, **Judy Kelsey**-252 North Main St, Mercersburg PA, **Will Willis**-300 E. Seminary St, Mercersburg PA, **Ron Brant**-6626 Tippetts Drive, Mercersburg PA, **Dan Chayrs**-9577 Heisey Rd, Mercersburg PA, **Liz George**, **Chris Ardinger**, **Ron Brant**, **Jim Bowers**

Press: Regina Hall, The Mercersburg Journal

President Elizabeth McClintick called the meeting to order at 7:05 p.m.

President McClintick asked Tom Suddeth to lead the Pledge of Allegiance.

President McClintick welcomed the guests who attended. President McClintick stated that the intent of the ordinance is to ensure safety to those who live in the Borough. She stated that the proposed Ordinance was properly advertised. She explained to the audience that the Proposed Rental Property Maintenance Ordinance is something that Council is looking at and that it has not been decided on. She stated that Council would make their decision after all the comments have been heard as to whether they would like to move ahead or review it further with possible adjustments. President McClintick stated that Council is looking for feedback and is glad that everyone was able to attend. She asked Tammy Oberholzer to provide everyone with a little background information about the Proposed Rental Property Maintenance Ordinance.

Tammy Oberholzer stated that the Borough Council had directed the Property Committee to look into a Residential Rental Property Maintenance Ordinance due to some recent unfortunate issues that occurred in the Borough. Tammy Oberholzer stated that the intent of the Ordinance is to ensure that Rental Properties are safe for the tenants who live in them. Tammy stated that the Rental Ordinance would assist in verifying that properties are being maintained up to code. She stated that Borough Council asked the Borough Office to contact as many Rental Property Owners as possible asking them to attend the meeting and for them have the opportunity to speak and obtain clarification on the specifics of the Ordinance.

President McClintick then asked the audience for their statements, suggestions, questions, and concerns. She asked that the audience members only speak one at a time and for everyone to be mindful of the length of time that they speak because of the large turn out. President McClintick encouraged everyone who would like to speak to speak.

President McClintick called on Katja Harryman to make the first statement.

Katja asked Council if safety is the main issue why is it that the ordinance would only apply to Rental Properties and not all properties within the Borough. Why wouldn't the safety requirements be both the same for Rental and Non-Rental Properties?

Sam Wisner was asked to answer this question. Sam stated that the owner of a property has control of the property. The owner is able to control what it looks like, the improvements on it, as long as those are done within the accordance of the law. A tenant of a property does not have that control. Generally, a tenant cannot make improvements on the property and they are limited in what they are able to do. Sam stated that from a safety standpoint the tenant is limited. If the Borough were to have a standard the tenant would be assured that, they have a minimum certainty of safety at that property. Sam Wisner asked that everyone who speaks say their name and address for Dawn Scheller's benefit so that she may include them in the minutes.

Katja then asked is not the standard of safety given with having the fire insurance or the property insured.

Sam Wisner answered stating that it is not. Sam explained that generally the insurance company does not regulate the interior of the dwelling.

Dan Chayes stated that tenants have the right of free choice and that nobody is binding them to rent from them verses someone else.

Ed Twine asked the Council Members how many of the Council Members own Rental Properties. Josh Meyers raised his hand indicating that he owned a rental property. Ed Twine expressed that one of his concerns was regarding the fees that the Landlord would have to pay. Ed stated that the properties in Mercersburg are not rented out for large amounts of money. He stated the rent collected might at times just be enough to cover the mortgage, the taxes, insurances, and maintain the property. Ed Twine indicated that he is aware of the new Sidewalk Ordinance that was passed and this will be something that everyone will have to pay for. By adding the additional expense, who will have to pay for it? Ed Twine asked if the Borough has received many complaints about rental properties. President McClintick stated that the Borough has had a few instances, and that the Borough's intent through the Ordinance is to try to minimize the occurrences. President McClintick stated that the Landlords who are Maintaining their properties as Ed Twine discussed their should be little concern with the Ordinance except for the financial aspect. Ed Twine stated that the cost for someone who may only have one property is one thing but if a Rental Owner has 15 properties that require the annual registration fees and then the inspection fees its quite expensive. Ed stated eventually the cost will go to the tenant and the rental market cannot sustain those cost in Mercersburg. Ed Twine stated that most of the Landlords in the room maintain their properties; however, he has had tenants who have taken batteries out of smoke detectors so that they can use them for their radios and other items within the home. Ed Twine asked the Solicitor if the Borough (without having this Ordinance) could go after a Property Owner if a challenge arises.

Sam Wisner answered that the decision of adopting the Ordinance is a policy decision by Council. Sam stated that having the Ordinance would make it easier for the Borough to address issues if they have the Ordinance.

Ed Twine then stated that it is similar to collecting Water Rates. If you do not have an Ordinance then you are not able to collect payment for the water. Ed Twine stated that he does not believe there is a need if the Borough has only had one or two instances. Ed stated that Council should address those concerns individually and not have the Ordinance that would affect everyone. He stated if Mercersburg was a bigger city then he would be supportive however, Mercersburg is a small town and he does not feel that the town needs this.

Dusty Stoner asked the crowd if the biggest complaint with the Ordinance was mostly the cost. The guests indicated that the cost was not the only concern that they had.

Phil Rader stated that he had previously lived in the Borough for 26 years; he had 10 properties within the Borough, and served on the Sewer Authority for a number of years. Phil stated that he agreed with all the points that Ed Twine had stated. Phil stated that he has mixed emotions about the ordinance. He stated that he understands Council's desire to want to insure safe properties. However, he feels that this Ordinance would create a difficult situation for Council, Borough Staff, and the Landlords much more than what has been initially thought. Phil Rader stated that the Landlords are a very important part of the community. He stated that Mercersburg has many rental properties and have many people in town who need to rent for various reasons. Phil stated that the Landlords are providing a service to the Borough. He stated that the Landlords put a lot of time and energy into their properties. Phil stated that he is concerned if Council adopts the Ordinance in its current form. He stated that if it were adopted as presented he would seek the Appeals Board on multiple items. Phil stated that the Ordinance is meant for New Construction and in the town of Mercersburg, most Landlords do not have new construction properties. He asked Council to compare the items that he is highlighting to see if any of Council Members homes were being inspected would they pass the inspection. The first item that he is concerned with, from the Ordinance, is the fire extinguisher inspection and certification requirements. Mr. Rader stated that the dial on the outside of the extinguisher that informs the operator if it is in good status should be enough. Mr. Rader asked how much it would cost someone to have the extinguisher inspected on an annual basis.

Dusty stated that he could not answer that.

The second concern is the quantity of smoke detectors, Phil stated that he felt the Ordinance requires too many.

Dusty Stoner addressed the smoke detector concern. Dusty stated that MFPA sets the standard for the industry. It is important to have the number of smoke detectors where indicated in the document. He stated that they perform studies and that people especially children do not awake from sleep if there is not a smoke detector in the bedrooms. Dusty informed the audience that the Fire Department has had a program for years where they have given out smoke detectors to people who have come to him for them.

The third concern is the bathroom mechanical vents or window requirement. According to the document and the code, they would need to be installed in a ½ bath. The fourth concern is having the dryer vent be vented directly outside. He stated that he owns a property where the dryer is located in a place where he would have to put a hole thru a wall and he feels that it would affect the structural integrity of the wall. His last concern was regarding the Appeals Board. Phil suggested that on a Board of five that at least two members must be Rental Property Owners. Phil stated that he feels strongly that Council should not vote this Ordinance in as it is written. He believes it to need a lot of work. Phil stated that if Council decides to move forward with an Ordinance he offered his assistance and would sit down and create an Ordinance that would be tailored to Mercersburg's needs.

President McClintick asked Mr. Rader if he felt that it was an appropriate goal to have a Rental Ordinance in Mercersburg that would be tailored to Mercersburg's needs.

Mr. Rader stated that he has mixed feelings about it. He stated that he feels that he is a good Landlord; however, it seems that a few may not be. Mr. Rader stated that if only a few are the issue than he is not convinced that one is needed.

Katja Harryman stated that she had concerns with the screen requirement for windows. Katja stated that this is a concern with properties that are in the Historic District. She stated that she has windows that screens would not be able to be installed that would be safe in one of her properties. Katja recommended that Council recommend some voluntary changes and to allow tenants a place to go if the tenant has problems with a Landlord. Katja stated that an Owner can have a property all up to date and then a tenant can come in and remove smoke detectors and then an Inspector would come in and the home would then not pass inspection.

Judy Kelsey asked Council to consider the pressures that a Landlord is under. She stated that they are governed by not discriminating against tenants who have children. Judy stated that when the Owner seeks the assistance of the Magistrate in most instances the tenant does not pay the judgment. She stated that some tenants destroy the properties and leave the Owners with outstanding water and sewer bills. Judy stated that the tenants seem to have all of the rights and the Landlords have none.

Dan Chayrs stated that he would like to voice that he agrees with the statements that have been made. He feels that if Council decides to precede that many more homes will be up for sale. He stated that the Ordinance is a very small piece of a large book. Dan encouraged the Borough to proceed with a voluntary program that would include recommendations, guidelines, and education for the Property Owners within the Borough.

Jim Bowers stated that the Landlords are under pressure to keep properties rented and to minimize the turnover. He stated that the rental rates are much lower in Mercersburg than in other areas in Franklin County. He stated that Mercersburg is not an industrial capital. He believes that part of the attraction of renters is that the cost is lower, however if the Ordinance were adopted the costs for rental units would need to go up. Jim stated that he feels that he is a good LandLord who does take care of his properties and tenants.

Sam Wisner stated that some people need an Ordinance, and that in the past some Rental Properties were not habitable. Sam stated that the Borough wanted to be proactive instead of reactive. Sam stated that he agreed with Mr. Rader's earlier comments that this is an interactive process and Council is interested in hearing responses to create an Ordinance to suit Mercersburg. Sam stated that the Ordinance could be tailored and tweaked.

Mr. Twine stated that the Borough has only had one or two instances than they should not penalize all Rental Property Owners for one or two instances. Ed Twine asked Sam what the expense would be if the Borough had to legally address one or two instances. Ed stated that he is only aware of the few instances over the past 20 years.

President McClintick stated that she is not a property owner in Mercersburg, but has been a resident for the past 20 years. She stated that people who have lived in Mercersburg who are not Land Owners have a right of certain expectations. President McClintick stated that the town is a wonderful place to live, raise children, go to school and be involved in the community. President McClintick stated that in the four years that she has been involved with voluntary service the Borough has had two or three instances where there have been safety issues that have led Council to want to have these discussions. President McClintick believes that this is a good start to address those issues and agrees that the Ordinance should be tailored to Mercersburg's needs.

Sam Wisner stated that it is very difficult without an Ordinance to require a Landlord to comply with an expected standard. Sam stated without an Ordinance the standard cannot be defined, and is a very difficult thing to enforce.

Judy Kelsey then asked where the tenant responsibility is. She stated that if a home is uninhabitable then why the tenant would not just move. She added that during the eviction process some tenants destroy the properties and will not be held accountable for the damages left behind.

Sam Wisner stated that he would not disagree with that statement, but also added that some tenants do not have the means to move somewhere else. Sam stated that he had defended numerous Landlords and he understands the challenges that they face. He stated that just as you have bad Landlords you have bad tenants and it is important that a balance is reached and that is why it is important to have these discussions. Sam Wisner stated that it is important that tonight they come up with what is a reasonable balance to ask people to comply with.

Mike Edwards stated that he needed to go thru many inspections and comply with all types of requirements from the County and the process was very expensive. He believes that the Hotels and B&BS should not be held to the same requirements as a Residential Rental Property. He stated that his property is up to code from top to bottom.

Katja stated that she was one who had a very horrible experience and stated that she was looked at as a slumlord. She stated that she had a property where the Water and Sewer were shut off. She stated that the Borough does not notify the Landlord when the Water and Sewer is being shut off.

Tammy Oberholzer stated that the Borough does notify the Landlords of that information. Tammy stated that the Office sends out a letter stating the 10 day shut off Notice and it is the responsibility of the Landlord to contact the Office to find out if the bill was paid and if the water/sewer was shut off.

Jack Bickley asked the guests if they routinely inspect the properties and would notice that extension cords were running from one home to another. Some stated that they did review the properties regularly and would notice such items.

Ron Brant shared concerns with the Basement Egress Requirements and would like to receive clarification. He would like to know if properties in the Historic District would follow the Historic Regulations or be held to these requirements. He stated that the Ordinance needs to be reviewed and adjusted. Sam Wisner stated that the Historic Regulations would trump the Rental Ordinance.

Dan Chayrs asked how many pages are in the Purple Book. Sam stated that the book contains many pages and is not sure of the total. Dan asked if the information that the Owners have is only a very small part of that book. Sam Wisner answered yes and the book is here available for review.

Jim Bowers suggested that the Ordinance be adjusted to if the tenant files a complaint against the Landlord the tenant would be responsible to pay the fee for the CCIS inspection cost if the complaint is unfounded. Sam Wisner stated that in the past that generally CCIS does not charge the Land Owner a fee if it was unfounded. Sam Wisner stated that CCIS has gone after for expenses against tenants but not unfounded complaints against the Property Owners.

Mike McCarty stated that Council should not vote on this tonight. He stated that he believes that Council has more work to do on the Ordinance. He stated that he understands the burden on the Owners and understands that the cost of Improvements and additional Inspections would be difficult. He is concerned that the cost would be transferred to the tenants therefore making the properties not affordable for the tenants.

President McClintick stated that the reason that they invited all of the Owners was to hear the comments and suggestions. She stated that having a code is a good thing and it should be a matter of determining what that code should be. President McClintick stated that the code would ensure that the Landlord's Property is being taken care of and that the Tenant has a safe dwelling to reside in.

Mr. Willis stated that they should have a tiered approach for different types of properties and properties in different Zones such as the Historic District. Mr. Willis stated that he agrees with wanting to make properties safe for people in the Borough, but he also agrees with the financial concerns was brought up.

Vickie Kieffer stated that at times it is a headache to try to get the rent from some tenants. She stated that at times she is the last one to be paid. Vickie stated that she feels sorry for some of the Landlords who have the property destroyed by tenants and then have to spend additional funds to repair them.

Ed Twine asked about displaying the license in the window. Ed stated that he believes the tenant would take down the license. He feels that the information should be stored in the Borough Office. Ed Twine suggested that this Ordinance be applied to all residents in the Borough.

Dusty Stoner stated that he was interested in hearing the feedback that was given because he is not a Rental Property Owner and this is beneficial for him. He stated that he wants to make the Ordinance better so that it is not a burden on the Owner.

Council decided to return the Proposed Rental Property Maintenance Ordinance to the Property Committee to continue to review the document and then make a recommendation to Council when ready; the next Property Meeting will be held on March 2, 2011 at 5:00 pm.

Tammy Oberholzer stated that if anyone did not receive a letter they should contact the Borough Office so that the list may be updated.

Tom Suddeth stated that the list needs to be updated with the Hotels, B&BS, and Church Parsonages information for future notifications.

Mr. Rader thanked Council for sending out the letters. He stated that this information is not typically shared but appreciated the extra step of communication.

Most of the guests left the meeting.

MOTION: to approve the meeting minutes from January 10, 2011 with making a minor correction was made by Josh Meyers, second by Betty Stenger, all ayes, motion carried.

MOTION: to accept the Treasurer's Report for the Month ending January 31, 2011 as presented was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.

MOTION: to approve the Bills Payable List for the Month ending January 2011 was made by Josh Meyers, second by Jack Bickley, Tom Suddeth opposed, remaining ayes, motion carried.

Mayor is absent no report to review.

Chief Zechman presented his report. The Police department received 126 complaints and service calls. The Borough had one Borough Ordinance Violation. Thirteen crimes were investigated, Five criminal arrests, 109 Citations Issued and 53 Parking Tickets Issued. Chief asked that the Technology Committee provide him with a recommendation on the information that he sent them regarding the future computer purchase. Chief stated that he needs this information shortly so that he may have something to submit on the next Grant Update Submission. President McClintick asked the Technology Committee to contact the Chief. They agreed to do so and establish a meeting with him to review the information before the next Council Meeting. Chief requested that Council make a motion authorizing the Police Department the ability to submit a grant that if approved would enable the funds to purchase an Intoxication Drug Tester. Chief Zechman requested permission for both he and the Mayor to attend a conference that would provide additional training. The cost would be a total of \$100.00.

MOTION: to authorize the Police Department permission to submit a grant that if approved would enable the funds to purchase an Intoxication Drug Tester was made by Tom Suddeth, second by Josh Meyers, all ayes, motion carried.

MOTION: to authorize the Chief and the Mayor to attend the Conference and pay the registration expense paid from 41046 was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.

Garry Brennan reviewed his Engineer's Report. Garry stated that he received the Seminary Street Storm Sewer Inspection change order estimate. Garry stated that he believes that there are some less expensive things that can be done to solve the challenges and he is in contact with them to have this worked out. He stated that he would forward this information to Tammy once he has the final copy. Garry stated that he is awaiting the compound results for the Leach House. He will make his recommendations once he knows if the material is hazardous and if they have to remove everything or only a portion. He will update council at the next meeting. Garry stated that he has the As Built Drawings, and the Mayo Building does not have any concerns. Garry reviewed his Mayo Building report with Council.

Tammy Oberholzer presented the Manager Report. Tammy asked Sam Wiser to review the status of the Findlay Park Street Dedication. Sam Wiser stated that Dorsey has been sent all of the necessary documents to sign and send back and they have just not done it. Sam stated that we are still awaiting the As Built Drawings. Garry Brennan confirmed that we do have the As Built. Sam Wiser also suggested that at the next Property Meeting that an Ad Hoc Committee be formed where Property Owners can get together and assist with the changes for the Rental Property Ordinance. Council agreed that this was a good idea. Tammy asked Borough Council for a motion allowing Dawn Scheller and Tammy Oberholzer permission to attend and fund the annual PSAB Conference. Tammy also asked Council for a Motion to authorize the Land Use Permit Fee to be increased to \$25.00. Tammy reviewed that the Borough has received the annual request to allow a relay for life fundraiser "Paint the Town Purple" event. The

team takes care of putting out the purple ribbons on the parking meters and taking them down. They have been doing this for several years. Tammy asked for nominations for the JB and Harriet Lane Awards.

MOTION: to authorize the Borough Office to increase the Land Use Permit Fee from \$20.00 to \$25.00 was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.

MOTION: to authorize Resolution 08-11 granting the Tuscarora Chamber of Commerce the ability to obtain permission from Penn Dot to suspend two signs across the state road was made by Jack Bickley, second by Josh Meyers, all ayes, motion carried.

MOTION: to adopt Resolution 06-11: Supporting the Montgomery, Peters, Mercersburg Connectivity was made by Tom Suddeth, second by Josh Meyers, all ayes, motion carried.

Dawn Scheller reviewed the Secretary Report. The meeting dates for the fair have changed and the August Meeting will need to be changed. Dawn asked for permission to advertise just the August meeting date change. Council granted permission. Dawn Scheller also asked that Council Members return their State Ethics Commission of Financial Interest Forms by April 15, 2011.

The Public Works Department's Report was included in the packets.

President McClintick asked for the Committee Reports.

Betty Stenger reviewed the information from the HARB Committee Meeting.

MOTION: to approve COA 11-01-01 to replace in kind six (6) over (6) double hung wooden attic window at 57 S Main Street was made by Josh Meyers, second by Betty Stenger, all ayes, motion carried.

MOTION: to approve COA 11-01-02 window replacement as follows: first floor windows must be painted wood with true divided light appearance, wood trim and sized to the fit the existing window opening. The second floor windows are preferred to be wooden with wooden trim was made by Dusty Stoner, second by Josh Meyers, all ayes Motion carried.

Dusty Stoner reviewed the Personnel Meeting Information.

MOTION: to authorize an offer of permanent employment as Borough Manager with an annual salary of \$39,000.00 to Tammy Oberholzer retro active 01/01/11 was made by Dusty Stoner, second by Josh Meyers, all ayes, motion carried.

MOTION: to authorize offer of permanent employment as Assistant Borough Manager with an annual salary of \$33,000.00 to Dawn Scheller retro active 01/01/11 and that Dawn be able to take a week vacation as long as it is not the same week as Tammy was made by Dusty Stoner, second by Josh Meyers, all ayes, motion carried.

The Property Committee reviewed the information. Tammy stated that Mr. Rockwell built and installed a nice cabinet behind Tammy's desk for storage. The payment of that was approved in the Bills at the meeting. Tammy Oberholzer stated that Andy Horton provided a quote for ¼ round molding to be installed at the borough Office. The cost for this would be \$350.00.

MOTION to authorize Andy Horton to install ¼ round molding in the hallway and borough office was made by Josh Meyers, second by Betty Stenger, Tom Suddeth opposed, remaining ayes, motion carried.

Jack Bickley presented the information from the Streets Committee meeting. Jack stated that the committee reviewed some Shade Tree Ordinance information, Street Sign Inventory information, Parking Meter Update, and needed Street Lighting Equipment for the Public Works Department.

MOTION: to purchase Street Lighting Equipment for the Public Works Department in the amount of \$3900 to be split three ways between Council, Water and Sewer was made by Tom Suddeth, second by Dusty Stoner, Josh, Jack, Dusty, and Liz all opposed, remaining ayes, motion defeated.

MOTION: to purchase Street Lighting for the Public Works Department in the amount of \$3900 to be paid out of the Joint Equipment Fund 49235 with the permission of Water and Sewer Authorities should they not wish to purchase then Council would authorize the purchase of the entire amount from 43945 and bill the Water or Sewer Authority for the usage of Equipment at a later date was made by Dusty Stoner, Josh Meyers, Tom Suddeth opposed, remaining ayes, motion carried.

Planning Committee information was discussed.

MOTION: to approve preliminary Plans for John Flannery without onsite parking was made by Josh Meyers, second by Betty Stenger, all ayes, motion carried.

MOTION: to authorize the Storm Water Agreement with Food Lion to be signed by Council President was made by Tom Suddeth, second by Josh Meyers, all ayes, motion carried.

MOTION: to adopt Resolution no. 05-11: Governing the Sale of Property valued less than \$1000.00 was made by Dusty Stoner, second by Josh, all ayes, motion carried.

MOTION: to approve the Relay for Life "Paint the Town Purple Event" was made by Dusty Stoner, second by Josh Meyers, all ayes, motion carried.

MOTION: to Approve a 60-day extension to the Department of Environmental Protection for the review time as the Borough of Mercersburg Act 537 Sewage Facility Plan Update was made by Dusty Stoner, second by Tom Suddeth, all ayes, motion carried.

MOTION: to authorize advertisement of August adjusted Meeting Schedule was made by Dusty Stoner, second by Josh Meyers, all ayes, motion carried.

MOTION: to grant M.M.P. & W. Fire Police permission to assist with the Annual American Odyssey Relay Run was made by Tom Suddeth, second by Josh Meyers, all ayes, motion carried.

MOTION: to go into Executive Session at 9:43 with possible action to be taken was made by Josh Meyers, second by Dusty Stoner, all ayes, motion carried.

Regular Session resumed at 10:08

MOTION: to authorize Tammy and Dawn to attend the conference was made by Jack Bickley, second by Dusty Stoner, all ayes, motion carried.

MOTION: to authorize the Borough Office to send Correspondence to the Fire Board Appointees requesting that they comply with the requirements of providing proof of identification to the M.M.P. & W Fire Company by 2/18/11, should they not comply Council will consider that notice that they relinquished the position and Council will seek alternate interested members was made by Josh Meyers, second by Chris Frisby, Dusty Stoner abstained due to his employment at the Fire Company, remaining ayes, motion carried.

MOTION: to adjourn at 10:11 p.m. was made by Josh Meyers, second by Dusty Stoner, 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 on March 14, 2011, Borough Council Meeting: Motion for approval was made by Betty Stenger, second by Jack Bickley, all ayes, motion carried.