

Mercersburg Borough Council
Borough Hall, Mercersburg, PA
March 14, 2011
7:00 p.m.
Minutes

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

Absent: Dusty Stoner, Chris Frisby, Mayor Zeger

Guests: William E. Landis, Allan C. Piper

Press: Regina Hall, Mercersburg Journal

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

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

President McClintick asked for any Public Comment. There was no Public Comment made.

Chief Zechman left at 7:04 p.m.

President McClintick stated that they would move on to approving the minutes, but stated that Tom Suddeth had a question for Dawn Scheller about the recording of the minutes.

Tom Suddeth asked Dawn if we used the old tape recorder any more and what happened to the old tapes that were used?

Dawn Scheller stated that the old tape recorder is no longer used. Dawn stated that when she was hired she brought her own personal digital recorder that she used at her previous position. Dawn Scheller stated that the old tapes that were used were taped over and reused. The recordings were only kept until the minutes were approved as instructed to do so.

Tammy Oberholzer stated that the old tapes that were required to be kept are stored in the basement; however, since the policy change no recordings are maintained any longer then needed.

Sam Wisner stated that if the recordings are kept they are subject to disclosure under the Right to Know Law.

MOTION: to save the audio recorded minutes for the length of time in compliance with the Municipal Record Retention Act prior to destroying them was made by Tom Suddeth, second by Jack Bickley, all ayes, motion carried.

Sam Wisner recommended that Borough Council should rescind the Original Resolution allowing the audio recordings to be destroyed with a new Resolution. Tammy Oberholzer stated that she would have one for next meeting.

MOTION: to approve the Meeting Minutes from February 14, 2011 was made by Betty Stenger, second by Jack Bickley, all ayes, motion carried.

MOTION: to approve the Treasurer's Report for month ending February 28, 2011 was made by Jack Bickley, second by Tom Suddeth; President McClintick asked one question on the list of accounts. There is a Tannery Escrow Account what the purpose of that account is? Tammy Oberholzer stated that this was one of the accounts that she and Amy were going to bring to Council and ask if there is a need to still have that account. Tammy stated that she would get some background for this account along with some other accounts. Josh Meyers entered the meeting at 7:11 p.m. President McClintick reviewed what Council was discussing. No other questions were asked. A vote was taken, **all ayes, motion carried.**

MOTION: to approve the Bills Payable for February 28, 2011 was made by Jack Bickley, second by Josh Meyers, a question was asked regarding the updated blue copy and the total amount paid, Tammy explained that the change was due to a return of a purchased item made for the Public Works Department. The purchase was made from Reliable and that item was returned.. Tom questioned a bill from Comcast, Tammy and Josh answered Tom Suddeth's question regarding the bill stating that the Police Department and the Borough Office need to each have an IP address. A vote was taken, **Tom Suddeth opposed, remaining ayes, motion carried.**

Chief Zechman reentered at 7:13 p.m.

President McClintick stated that the Mayor was out of town attending a family event in California.

Chief Zechman presented the Police Report. The Police Department had the following activity for the month of February 2011: 117 Complaint and Service Calls, One Borough Ordinance Violation Investigation, Fifteen Criminal Investigations, Seven Criminal Arrests, Two Accident Investigations, Seventy-two Citations Issued, and Sixty-two Parking Tickets. Chief Zechman reviewed the Computer Grant Information and asked that the Technology Committee make a motion to authorize the purchase of the recommended equipment using grant funds. Chief stated that he received four proposals regarding this purchase. Chief Zechman stated that the Police Department received information stating that the funding was approved to purchase two PBT's. Chief Zechman explained that the Police Department would pay for the purchase initially and then be refunded through the grant funds. Chief Zechman applauded the efforts of M.M.P. & W. EMS Personnel for responding to a call on March 3, 2011. The quick actions of the EMS Personnel saved the individual's life and he wanted to recognize those efforts.

MOTION: to authorize the Chief to purchase a Printer and Copier from a company on the State Approved List, the ability to purchase two computer systems from Dell obtaining the best price possible, while using grant funds for these purchases, was made by Tom Suddeth, second by Josh Meyers, all ayes, motion carried.

Chief Zechman exited at 7:19 p.m.

Sam Wisner stated he had nothing to report at this time.

Garry Brennan reviewed the Engineer's Report. Garry stated that there were a few items on his report that he was going to remove.

Garry stated that he had not heard from DEP regarding the Act 537 Plan. Sam stated that he spoke with Mr. Gates from DEP and they thanked Council for authorizing the time extension on the Act 537 Plan.

Garry stated that he had no new information about Findlay Park besides awaiting the Street and Sewer/Water Line Deeds of Dedication. Sam Wisner stated that Dawn Scheller has been trying to contact Dorsey by Phone and has not received any response to date from those efforts. Dawn Scheller stated that she has tried to contact Dorsey Builders from different phone numbers.

Garry stated that Brake has forwarded a change order request for the Seminary Street Storm water Project. The change order total is \$10,458. Garry asked Council to execute this document. Garry stated that they will be back to complete the asphalt in April or May. Garry Brennan stated that they have not come back after the rainfall to verify the status of the project and he would contact them to make sure that they followed through on this because it is in the contract with them that they check it after every rainfall event.

Garry also stated that he would contact someone regarding the Orange Fencing around the Leech House work area. Tammy Oberholzer thanked Garry for handling this because she felt that it was a safety hazard.

MOTION: to authorize the Change Order Request from Charles E Brake in the amount of \$10,458 was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.

Mayo House Inspection the report was provided to Council at last month's meeting.

Garry Brennan asked Council to authorize an executive session to discuss the Leech House Demolition.

MOTION: to enter into Executive Session at 7:30 due to contractual issues with possible action to be taken was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.

Regular meeting resumed at 7:46 p.m.

MOTION: to authorize the Borough Manager to obtain quotes for pumping of the sludge material and liquid in the tank, awarding the bid with the provision that the work does not exceed \$10,000 was made by Jack Bickley, second by Betty Stenger, all ayes, motion carried.

MOTION: to authorize the Borough Manager to secure quotes for cleaning the tank, to award the lowest qualified bid with the provision that it does not exceed \$10,000 to clean the tank was made by Jack Bickley, second by Betty Stenger, all ayes, motion carried.

MOTION: to authorize Borough Manager to utilize Borough Personnel to backfill the tank with clean fill if the testing of the tank contents and the concrete is determined not to be contaminated was made by Jack Bickley, second by Tom Suddeth, all ayes, motion carried.

MOTION: to authorize the Borough Manager to have a TCLP test completed on the sludge and liquid in the tank prior to the pumping of the tank and award such work provided that it is under \$10,000 was made by Josh Meyers, second by Jack Bickley, all ayes motion carried.

Garry Brennan stated that Borough Council has two partial pay estimates that require payment. Charles E Brake for \$104,580 is the first and the second is DH Martin for \$24,617.70.

MOTION: to authorize payment of the partial pay estimate for Charles E. Brake Company in the amount of \$104,580 was made by Josh Meyers, second by Betty Stenger, all ayes, motion carried.

MOTION: to authorize payment of the partial pay estimate for DH Martin in the amount of \$24,617.70 was made by Josh Meyers, second by Jack Bickley, all ayes, motion carried.

President McClintick asked Tammy Oberholzer to present the Manager Report.

Tammy Oberholzer stated that she would be making an inventory list of the contents in the Mayo Building.

Tammy stated that John Flannery is comfortable that he will meet the 18-month deadline for his project and he has not done anything to delay the project. Tammy stated that the 18-month time estimate might have been given in haste not taken into consideration of all the pre planning and planning items that typically occur. Sam Wiser stated that the agreement states that he only needs to be substantially completed in the 18 months and recommended that the Borough send him written information with the verbiage included so that everyone is aware and notified of this.

Tammy asked Council if they would like her to forward the information from the FCATB meetings and the minutes. Council stated that they would be interested in receiving this information.

Tammy stated that the next Borough Council Meeting is during the PSAB Conference and Dawn and Tammy will travel back for the Council Meeting. President McClintick stated that they would try to keep the meeting short.

Tammy stated that she would provide Borough Council with updated fee schedule for action at the next meeting.

Tammy informed Council that there are a few lights on the square and the estimated cost to fix them. Council asked Tammy to obtain other quotes for additional alternatives and bring that information back to Council.

Tammy informed Council of the current rates for the long distance service that the Borough Office is being charged. Tammy asked Council to authorize the switch of service to Century Link ultimately saving money.

MOTION: to authorize the switch for Long Distance carrier to Century Link was made by Josh Meyers, second by Betty Stenger, all ayes, motion carried.

Tammy Oberholzer reviewed the Employee Uniform Information. Tammy suggested that Council authorize to provide the Borough Employees with a Uniform Allowance of \$250.00 per employee as opposed to having the Uniform Company handle the uniforms. Tammy stated that many of the employees do not take advantage of the current uniform service that costs the Borough \$2,496 annually. The cost savings to the Borough would be an estimate of \$1,496. Tammy Oberholzer suggested that Borough Council authorize the initial purchase of T-Shirts for the Employees and then they would use the allowance to purchase additional if needed. Tammy stated that she has requested an estimate for T-Shirts with the Borough Logo on it from Tim Howley. She will forward that information to Borough Council once received. Tammy stated that the Borough would still provide separate funds for items such as boots and coveralls. The allowance would simply replace the items provided by the uniform company such as Jeans, Shirts, Sweatshirts and Work Shorts. It was suggested if Council authorizes this that the Personnel Manual be updated accordingly.

Jack Bickley expressed a concern that he did not want the employees to incur any additional costs due to this recommendation. Tammy Oberholzer stated the employees would not. She stated that it would allow the employees to choose what jeans they would like to wear and could get other items that would fit their needs. She stated that the only employee who used the uniform washing service was Ronnie and that many of them washed the items themselves.

MOTION: to authorize the Manager's Request of providing the Borough Personnel a uniform allowance of \$250.00 for each employee to reimburse incurred uniform expenses, and the Borough would provide the initial T-Shirts to the

employees at no cost to the employees was made by Josh Meyers, second by Betty Stenger, Tom Suddeth and Jack Bickley opposed, remaining ayes, motion carried.

Tammy Oberholzer stated that a Spring Road Seminar is scheduled for March 31st that she would like to have Don, Dawn, and herself attend. Tammy believes that this training would be beneficial for the group. Josh expressed interest in attending.

MOTION: to authorize the Borough Manager and appropriate staff to attend the Spring Road Seminar on March 31st in Gettysburg PA was made by Jack Bickley, second by Josh Meyers, all ayes, motion carried.

Tammy Oberholzer stated that Amy's Computer is very slow. She asked for a motion to authorize the use of Liquid Fuel Funds to purchase new equipment.

MOTION: to authorize the purchase of computer equipment using Liquid Fuel Funds not to exceed \$1000 was made by Jack Bickley, second by Josh Meyers, all ayes, motion carried.

Tammy stated that she had a conversation with Amy pertaining to an invoice for the Fire and Ambulance Tax Assessment. The invoice does not have a due date on it, however in the past the invoice is paid earlier than the taxes collected. It has been recommended that we develop an agreement so that the Invoice is paid as taxes are collected or even on a quarterly basis. Council requested that additional information be gathered example what percentage of tax has been collected and suggestions from Amy. Sam Wisner stated that an agreement should be made and using the percentage of tax collected be paid each quarter this way both they and us could budget appropriately. Tammy stated that she would bring this back to Council.

President McClintick asked Dawn to present the Secretary's Report.

Dawn Scheller stated that there were no Land Use Permits issued in February. Dawn stated that the Nominating Committee has the information for the updates for the Fire Board and Sewer Authority open positions. Dawn asked that anyone who has not turned in the State Ethics documents please do so by April 15, 2011. Dawn Scheller provided her Borough Cell contact information to be used in case of an Emergency. Dawn stated that the Borough Office received two complaints pertaining to properties within the Borough. Dawn stated that she would provide Council with an update at the next meeting.

Garry Brennan exited the meeting 8:33 p.m.

President McClintick stated that the Public Works Department's Report is included in everyone's packet.

President McClintick asked for the Nominating Committee Information.

Tammy reviewed that we have received the following interest; Sewer Authority Member-Mr. Gaunt, and Mr. Tyson and the Fire Board- Mr. Landis, Joel Bradnick, Jeff Main.

Josh Meyers asked to open Nominations for the Sewer Authority. Tom Suddeth nominated Mr. Gaunt. No other Nominations were made. Nominations were closed.

MOTION: to appoint Mr. Gaunt to the Sewer Authority via Resolution # 09-11 to serve a five year term expiring on December 31, 2015 was made by Tom Suddeth, second by Jack Bickley, all ayes, motion carried.

Sam Wisner opened Nominations for the position for Fire Board member to serve a year term to expire on December 31, 2011. Jack Bickley Nominated Bill Landis, Josh Meyers nominated Joel Bradnick, President McClintick nominated Jeff Main. The Nominations were closed.

A vote was taken for Mr. Landis to fill the vacancy as the Borough of Mercersburg Fire Board Representative, Jack Bickley-yes, Tom Suddeth-yes, Josh Meyers-no, President McClintick-no, Betty Stenger-yes. Mr. Landis is the Representative for the Fire Board per Resolution # 10-11.

President McClintick congratulated Mr. Landis, asked that he contact the Borough Office to find out the requirements, and should confer with Dusty to make sure that he receives the necessary information required for serving this position.

MOTION to accept the resignation of Tim McGown was made by Jack Bickley, second by Josh Meyers, all ayes, motion carried.

Josh Meyers presented the Nominations for the James Buchanan Award. The Historical Society will be recognizing the award winner on April 21, 2011 at the Presbyterian Church.

The Nominations for the James Buchannan Award was opened by Josh Meyers. Tom Suddeth nominated Tom Ralston, Josh Meyers nominated Dave Burrows, Betty nominated the Lioness Club, and Tammy nominated Dave Hawbaker. Nominations were then closed. A review of the Nominees was completed.

A vote was taken to award Tom Ralston with the James Buchannan Award, Jack Bickley-Yes, Tom Suddeth-Yes, Josh Meyers-Yes, President McClintick-Yes, Betty Stenger-Yes, Award granted to Tom Ralston. Borough Council asked that Dawn Scheller contact the award winners.

The Property Committee stated that they are still reviewing the Rental Property Maintenance Ordinance and they wish to keep it in Committee for the time being.

Tammy stated that the Borough Office has had a recent issue with the gutters on the back of the building. Tammy presented an estimate to have the issue fixed.

MOTION: to authorize Seamless Gutters to fix the issue on the Borough Office Building was made by Josh Meyers, second by Jack Bickley, all ayes carried.

The upcoming meetings were reviewed.

MOTION: to adjourn the meeting at 8:55 p.m. was made by Josh Meyers, second by Tom Suddeth, 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